

ITEM NO.48

COURT NO.3

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).1971/2008

(From the judgment and order dated 10/08/2007 in CMWP No. 15464/1984 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

UDAI PRATAP SINGH & ORS.

Petitioner(s)

VERSUS

GULAB DAS AND ORS.

Respondent(s)

(With appln. for exemption from filing O.T., prayer for interim relief and with office report)

Date: 06/04/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s) Ms. Garima Prashad,Adv.

For Respondent(s) Mr. J.N. Dubey, Adv.

Mr. Anurag Dubey, Adv.
Ms. Anu Sawhney, Adv.
Ms. Meenesh Dubey, Adv.
Mr. S.K. Diwakar, Adv.
Mr. D.P. Pandey, Adv.
Mr. S.R. Setia,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of with no order as to costs.

(S. Thapar)
PS to Registrar

(Madhu Saxena)
Court Master

The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.2202 OF 2009
(Arising out of SLP(C) No.1971 of 2008)

UDAI PRATAP SINGH & OTHERS

...APPELLANT (S)

VERSUS

GULAB DAS & OTHERS

...RESPONDENT(S)

ORDER

Leave granted.

Appellant is the landlord. He had instituted release application on the ground of personal requirement under Section 21(1)(a) of the U.P. Act No. XIII of 1972. The Trial Court decreed the petition. However, the Lower Appellate Court dismissed the release application. Aggrieved by the decision of the Lower Appellate Court, the landlord moved the High Court in Civil Misc. Writ Petition No. 15464 of 1984. By the impugned order the High Court has dismissed the Writ Petition only on the ground that the matter had been pending litigation for 22 years. In our view, the High Court ought not to have dismissed the Writ Petition, particularly, when the matter was pending in the High Court from 1984. The High Court should have decided the matter on merits. It has not done so. One cannot find fault with the petitioner for pendency of the writ petition from 1984.

In the circumstances, the impugned order is set aside and the matter is remitted to the High Court for de novo consideration in accordance with law.

We request the High Court to expeditiously hear and dispose of the pending

Writ Petition within a period of six months. The appellant is directed to take all necessary steps to bring the legal representatives of the contesting respondent on record.

Civil Appeal is accordingly disposed of with no order as to costs.

.....J.
[S.H. KAPADIA]

**New Delhi,
April 06, 2009**

.....J
[AFTAB ALAM]

