

SUREME COURT OF INDIA

M.K. Palaniappa Chettiar

Vs.

A. Pennuswami Pillai

(S.M. Sikri and V. Bhargava JJ.)

27.02.1970

JUDGMENT

The Text below is only a summarized version of the order pronounced

It was contended on behalf of the tenant that there was no error of jurisdiction in the decision of the Rent Controller, the Appellate authority, or the District Court which held that the building was let out for dual purpose of trade and residence and consequently the High Court did not have jurisdiction to interfere in exercise of its powers under Section 115 of the C.P.C. However gross an error of law committed by the lower courts, the High Court could not interfere under Section 115 of the C.P.C, as there was no procedural error committed by those courts. This principle was laid down by the Supreme Court in *Keshardeo Chamria v. Radha Kissen Chamria and Others* (1953 SCR 136) and affirmed in *Pandurang Dhoni Chougule v. Maruti Hari Jadhav* . The error committed by the courts was in giving the decision in a case in which they had jurisdiction to decide the dispute and therefore the High Court was wrong in interfering with the concurrent findings of the lower courts. The landlord failed to show that any part of the building was being used for a purpose different from the purpose for which it was leased out. Accordingly the appeal is allowed.