

Joseph

Vs

Devassy

Civil Appeal No. 2306 of 1969

(CJI Y. V. Chandrachud, P. N. Shinghal, O. Chinnappa Reddy JJ)

25.04.1979

ORDER

1. The Rent Controller, the Sub-Judge in appeal and the District Court in revision, came to the conclusion concurrently that the contractual rent of Rs. 100 per month would be the fair rent of the premises. Sitting in revision under Section 115 of the Code of Civil Procedure the High Court has remanded the matter to the Sub-Judge, with liberty to the parties to lead further evidence before him. We do not think that the remand was really necessary in the context of the concurrent finding recorded by the three courts. Accordingly we set aside the order of remand passed by the High Court dated March 31, 1969 and confirm and order passed on June 22, 1968 by the District Court fixing the fair rent at Rs. 100 per month.

2. The appeal is accordingly allowed but there will be no order as to costs.

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