

Durga Dass and Another

Vs

Inder Kumar Jain and Others

Civil Appeal Nos. 2698-2699 of 1980

(Rangath Misra, M. N. Vankatachaliah JJ)

02.05.1989

JUDGMENT

RANGANATH MISRA, J. –

1. These two appeals are by special leave and are directed against the reversing order of the High Court of Punjab and Haryana made in two connected civil revisions granting eviction from two shop-rooms located at Hoshiarpur.
2. The ground for eviction was subletting and relying upon the evidence placed on record, particularly that of Ram Lal, son of Durga Dass who was the tenant, the Controller and the Appellate Authority had found that there was subletting. It is not necessary to refer to the evidence as counsel for the landlord-respondent on the suggestion agreed to accept Ram Lal as the sole tenant of the two shop-rooms. Parties have agreed that the rent per room shall be @ Rs. 200 per month. We direct that rent at this rate shall be payable from January 1, 1988. The rent due up to April 30, 1989 @ Rs. 200 per month per room shall be paid by the appellant on or before June 30, 1989 after deducting such payments as may have been made at the old rate. Rent for the month of April shall be paid @ Rs. 200 per room by May 7, 1989 and rent for every succeeding month shall be paid by the 7th of the subsequent month.
3. Counsel for Ram Lal has stated to us that there would be no further default in the matter of payment of rent as now directed.
4. The appeals are allowed, the order of eviction passed by the High Court is set aside and the appeals are disposed of with the directions stated above. Parties shall bear their own costs throughout.

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