

SUPREME COURT OF INDIA

M. Ramakrishnan

Vs.

Hindustan Petroleum Corporation Limited, Tamil Nadu

C.A.No.4817 of 1999

(B.P.Singh and Arun Kumar JJ.)

05.05.2005

JUDGMENT

B.P. Singh, J.

1. Heard counsel for the parties.

2. This appeal is against an interim order of the High Court whereby in a pending Second Appeal the High Court directed the respondent to deposit the rent at the rate of Rs. 1250/- per month from 1.5.1993 and at the rate of Rs. 2000/- per month with effect from January 1, 1999 till the disposal of the Second Appeal.

3. The grievance of the appellant is that the land which was leased out in the year 1973 for a period of 20 years for setting up a Petrol Station is being utilised by the respondent for parking of vehicles which gives to the respondent an earning of Rs.1000/- per day. Therefore, the appellant prayed before the High Court that during the pendency of the appeal respondent should be directed to deposit by way of rent a sum of Rs.10,000/- per month. The prayer, as noticed above, was only partly allowed with the direction to deposit rent at the enhanced rates noted above.

4. This being an interim order, we do not wish to interfere in exercise of our discretion under Article 136 of the Constitution of India. We, therefore, dismiss the appeal. However, the dismissal of this appeal will not prevent the appellant from making an appropriate prayer before the High Court to fix a higher rent at the time of the final disposal of the Second Appeal.

5. We should not be understood to have expressed any opinion on the merit of the claim of the appellant, and it will be open to the High Court to pass an appropriate order in accordance with law.

6. No costs.