

SUPREME COURT OF INDIA

E.U. Siddiqui

Vs.

Parvez Zafar Sarkar

C.A.Nos.7194-7195 of 2008

(S.H. Kapadia and B. Sudershan Reddy JJ.)

08.12.2008

ORDER

1. Leave granted.
2. Tenant has filed these appeals challenging para 19 of the impugned order of the High Court, dated 21st August, 2008. In the present case, the tenant was sought to be evicted on the ground of arrears of rent. There is a concurrent finding that the tenant has deposited the arrears of rent on the first date of hearing. This finding is not under challenge in the appeals. What is challenged in these appeals is that in the eviction proceedings, the High Court has increased the rent from Rs.500/- to Rs.6, 000/- with retrospective effect. It is the case of the tenant that increase in rent was never in issue before the High Court. It is the case of the tenant that there is no basis for increase in the rent. We find merit in these contentions. In the circumstances, para 19 of the impugned order of the High Court is set aside.
3. We are informed that the landlord has also filed a special leave petition. That petition is not on Board before us. It appears that the landlord has challenged the order of the High Court which stands in favour of the tenant herein. We express no opinion on that ground.
4. Subject to above, Civil Appeals stand allowed with no order as to costs.