

**SUPREME COURT OF INDIA**

Md. Iqbal

Vs.

Atma Ram

C.A.No.316 of 2009

(B.N. Agrawal and G.S. Singhvi JJ.)

19.01.2009

**ORDER**

Leave granted.

1. Heard learned counsel for the parties.
2. By the impugned order, the High Court has, during the pendency of the Writ Petition filed by the landlord-respondent No.1 against the judgment of Additional District Judge, Saharanpur who set aside the eviction order passed by prescribed authority, directed the tenant-petitioner to pay rent at the rate of Rs. 2100/- per month in respect of the tenanted premises. The effect of this order is that the petitioner, who was paying Rs. 150/- per month will have to pay Rs. 2100/- per month.
3. At the hearing, the learned counsel appearing on behalf of the respondent stated that the impugned order may be set aside and the High Court may be directed to dispose of the writ petition. We are also of the view that, in the facts and circumstances of the present case, the High Court should not have ordered payment of rent at the rate of Rs. 2100/- per month in place of Rs. 150/- per month. Accordingly, the appeal is allowed and the impugned order is set aside. The High Court shall now dispose of the writ petition in accordance with law.