

**SUPREME COURT OF INDIA**

Ram Kumar & Ors.

Vs.

Abhinandan Kumar Tadaiya

C.A.No.8084 of 2015

(T.S.Thakur and Adarsh Kumar Goel,JJ.,)

30.09.2015

**ORDER**

**Adarsh Kumar Goel,J.,**

1. Leave granted. This appeal has been preferred against judgment and order dated 5th January, 2012 of the High Court of Judicature at Allahabad passed in Civil Revision No.339 of 1992 arising out of eviction proceedings initiated against the appellants (tenants) by the respondents (landlords) on the ground of arrears of rent from 14th February, 1984 to 14th June, 1990. The courts below have upheld the claim for eviction holding the appellants to be defaulters.

2. We have heard learned counsel for the parties.

3. It has been pointed out by learned counsel for the appellants that following finding has been recorded by the High Court while dismissing the revision petition by the impugned order:-

“Admittedly, there is no material before this Court nor was produced before the trial Court with regard to those proceedings and therefore, no notice of the said plea can be taken. Any other point was not pressed. There is no merit in the revision.”

4. It is pointed out that the above finding has been recorded without considering the material which was available on record. Attention of the Court has been drawn to Chart (Annexure P-6 (Colly.) at page 41 of the Paper Book, which purports to depict details of the rent deposited in Court showing inter alia as follows:-

Khafifa ADJ. (Daketi)			
Case No.5/1990			
Oct 1987-30 Sep 1990		6075	14/09/90

5. Since there is nothing in the impugned order showing consideration of the aforesaid material, we allow this appeal, set aside the impugned order and remit the matter to the High Court for a fresh decision.
6. The parties are directed to appear before the High Court for fresh proceedings on October 26, 2015.
7. The High Court may look into the material on record which may be pointed out by the parties and take a decision in accordance with law expeditiously.