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C.A.No. 7253 OF 2002

ITEM No.1-A

Court No. 8

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 7253 of 2002

MANIK LAL MAJUMDAR & ORS.

Appellant (s)

VERSUS

GOURANGA CHANDRA DEY & ORS.Respondent (s)

(Heard by Hon'ble Shivaraj V. Patil and D.M. Dharmadhikari,JJ.)

Date : 26/02/2004 This Appeal was called on for pronouncement of
judgements today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr. Avijit Bhattacharjee,Adv.

For Respondent (s)Mr. Rajiv Mehta,Adv.

The Court made the following
J U D G E M E N T

Hon'ble Mr. Justice Shivaraj V. Patil pronounced His Lordship's judgment dismissing the civil appeal with no order as to costs.

Hon'ble Mr. Justice D.M. Dharmadhikari pronounced His Lordship's dissenting judgment, allowing the appeal and remitting the case back to the appellate authority with liberty to the tenant to invoke provisions of sub-section (2) of Section 13.

In view of the divergency of opinion, the civil appeal is directed to be posted before a large r Bench after obtaining the order of the Hon'ble Chief Justice.

REPORTABLE.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Two signed judgements and a signed order are placed
on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7253 OF 2002

Manik Lal Majumdar & Ors.

...Appellant(s)

Versus

Gouranga Chandra Dey & Ors. . . . Respondent(s)

O R D E R

In view of divergency of opinion on the question whether an appeal can be preferred by a tenant under Section 20 of the Tripura Buildings (Lease and Rent Control) Act, 1975 [for short, "the Act"] without making payment or deposit of admitted arrears of rent, as stated in Section 13 (1) of the Act, the civil appeal is to be posted before a larger Bench, after obtaining the order of the Hon'ble Chief Justice.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]
New Delhi,
February 26, 2004.