

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.2652 OF 2009
(Arising out of S.L.P. (C) No.7428 of 2008)

**Shriram Scientific & Industrial Research
Foundation**

...Appellant(s)

Versus

V.K. Dhingra

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

While, he was employed as Senior Analyst in the service of petitioner, the respondent was allotted residential accommodation. He is said to have resigned from service on 16.7.1992 but, did not vacate the residential accommodation. Therefore, the petitioner filed a petition under Section 14(1) (i) and Section 22 of the Delhi Rent Control Act, 1958 for eviction of the respondent.

During the pendency of the eviction petition, the petitioner filed Suit No. 131 of 2006 for recovery of rupees four lakhs thirty five thousand from the respondent along with pre-suit, *pendente lite* and future interest at the rate of 24 per cent per annum on the successive monthly amount becoming due from 1.8.2003 until the date of payment. The respondent filed an application under Section 10 read with Order 7 Rule 11 of the Code of Civil Procedure for staying the proceedings of the suit till the disposal of eviction petition No. E-42 of 1993 pending before the court of Additional Rent Controller, Delhi. The trial Court dismissed

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the application, but on a petition filed under Section 227 of the Constitution, the High Court reversed the order of the trial Court and stayed the proceedings of the suit till the disposal of the eviction petition.

Having heard learned counsel for the parties and perused the record, we are of the view that, in the facts and circumstances of the case, the High Court should not have stayed proceeding of the present suit.

Accordingly, the civil appeal is allowed, impugned order is set aside and Suit No.131 of 2006 is restored to its original file. The trial Court shall now decide the suit in accordance with law.

New Delhi,
April 20, 2009.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

