

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8084 OF 2015
(ARISING OUT OF SLP (CIVIL) NO.9796 OF 2012)

RAM KUMAR & ORS.

...APPELLANTS

VERSUS

ABHINANDAN KUMAR TADAIYA (D) TH. LRS. & ORS. ...RESPONDENTS

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.

.....J.
[T. S. THAKUR]

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
SEPTEMBER 30, 2015

ITEM NO.1A
(For Judgment)

COURT NO.3

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).8084 of 2015 @ SLP(C)No.9796 of 2012

RAM KUMAR & ORS.

Appellant(s)

VERSUS

ABHINANDAN KUMAR TADAIYA (D) TH:LRS.& ORS.

Respondent(s)

Date : 30/09/2015 This appeal was called on for pronouncement
of order today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s) Mr. Prashant Chaudhary,Adv.

For Respondent(s) M/s. AP & J Chambers,Advs.

Hon'ble Mr. Justice Adarsh Kumar Goel pronounced
the reportable order of the Bench comprising Hon'ble
Mr. Justice T.S. Thakur and His Lordship.

Leave granted.

The appeals are allowed in terms of the signed
Non-Reportable order.

Pending application, if any, stands disposed of.

(Sarita Purohit)
Court Master

(Suman Jain)
Court Master

(Signed Non-reportable order is placed on the file)