

SULTAN MOHIYUDDIN AND ORS.
v.
BASHEER AHMED SHARIFF AND ORS.

A

MAY 3, 2002

[R.C. LAHOTI AND BISHESHWAR PRASAD SINGH, JJ.]

B

Karnataka Rent Act, 1999:

s. 2(3) (g) and 70(2)(c)—Abatement of proceedings—Non-residential premises—Proceedings for eviction initiated u/s. 21 (1)(h) and (p) of Karnataka Rent Control Act, 1961—Area exceeds 14 square meters—Held, dimension of the premises, its being non-residential and applicability of relevant provisions of 1999 Act not disputed on behalf of landlord-appellant, the proceedings stand abated—Karnataka Rent Control Act, 1961—ss. 21 (1) (h) and (p).

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3325 of 2002.

From the Judgment and Order dated 31.7.2001 of the Karnataka High Court in R.P. No. 562 of 2000.

Naresh Kaushik, N.K. Roy, Ms. Shilpa Chohan, Rajesh Singh and Lalita Kaushik for the Appellants.

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Kh. Nobin Singh, S.K. Kulkarni, M. Gireesh Kumar and Ankur S. Kulkarni for the Respondents.

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The following Order of the Court was delivered :

Leave granted.

The proceedings for eviction were initiated under Section 21(1)(h) and (p) of the Karnataka Rent Control Act, 1961. The landlord, having lost from the High Court, has filed this appeal by special leave under Article 136 of the Constitution.

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During the pendency of these proceedings, Karnataka Rent Act, 1999 has come into force with effect from 31.12.2001. According to the counter filed

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A in this Court by the tenant-respondent, the area of the suit premises let out for non-residential purpose exceeds 14 square metres and, therefore, the premises are exempt from the provisions of the 1999 Act. It is the plea of the tenant-respondent that Karnataka Rent Act, 1999 being not applicable to the suit premises by virtue of the provisions contained in Section 2(3)(g), the proceedings shall stand abated under Section 70(2)(c) of the 1999 Act. The

B dimension of the premises, its being non-residential and the applicability of the relevant provisions of the 1999 Act referred to hereinabove is not disputed by the learned counsel for the landlord-appellant. The proceedings, therefore, stand abated. Nothing survives for adjudication on merits. The appeal be treated as disposed of.

C R.P.

Appeal disposed of.