

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through video conferencing****REVP No. 34 of 2020**

- Mallika Arjun S/o Shri Shambha Shivrao Aged About 32 Years R/o Maheshwari Jewellery Works Sada Bazar Durg, Tahsil And District Durg, Chhattisgarh.

---- Petitioner**Versus**

- Devendra Kumar Jain S/o Late Kasturchand Jain Aged About 60 Years R/o Jain Gali, Sadar Bazar, Durg, Tahsil And District Durg, Chhattisgarh.
- Lalit Kumar Jain S/o Late Kasturchand Jain Aged About 58 Years R/o Jain Gali, Sadar Bazar, Durg, Tahsil And District Durg, Chhattisgarh.
- The Rent Control Durg, District Durg, Chhattisgarh.

---- Respondents

For Petitioner - Ms. Deepali Pandey, Advocate.

Hon'be Shri Prashant Kumar Mishra, Ag.Chief Justice.

Hon'ble Shri Parth Prateem Sahu, J.

Order On Board

By

Hon'ble Shri Prashant Kumar Mishra, Ag.Chief Justice.

14/06/2021

1. This review petition is directed against the order dated 9-4-2018 in Writ petition(227) No. 287 of 2018 by which this Court has dismissed the writ petition which in turn was

preferred to challenge the Order passed by the Rent Control Tribunal, Raipur on 23-02-2018 and the Rent Controller, Durg on 13-09-2017. By these Orders, the Rent Controller and the Rent Control Tribunal had concurrently held that the landlord respondent No.1 is entitled to seek petitioner's eviction from the tenanted premises.

2. In the Order passed by the High Court, we have not found any good ground to interfere the concurrent order of eviction passed by the Rent Control Authority and the Rent Control Tribunal. This Court's order was challenged by the petitioner before the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No(s). 9678 of 2019 which was dismissed on 4-4-2019 in the following manner:-

“Delay condoned.

We have heard learned counsel for the petitioner.

We do not find any good ground warranting interference with the impugned Order in exercise of our jurisdiction under Article 136 of the Constitution of India.

The Special Leave Petition is accordingly dismissed.

However, nine months' time is granted to the petitioner to vacate and hand over peaceful and vacant possession of the suit premises to the respondents subject to his furnishing usual undertaking before this Court within four weeks from today, stating that the petitioner will not create any third party rights and will clear all the rent/arrear, if any, in the meanwhile and will peacefully vacate the premises within nine months from today.

Pending applications, if any, shall also stand disposed of.”

3. A plain reading of the Order passed by the Hon'ble Supreme Court, makes it clear that the Order was passed after considering the merits of the case, therefore, the Order under review passed by the High Court has merged in the Hon'ble Supreme Court Order and the present review petition has no substance, therefore, the review petition is dismissed.

4. Accordingly, the present REVP is dismissed.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(Parth Prateem Sahu)
Judge

Amardeep