

Jagdish Prasad Sah And Ors. vs Ram Kumar Agarwala And Ors. on 10 February, 1983

Equivalent citations: 1983(1)SCALE715, 1984SUPP(1)SCC601, AIRONLINE 1983 SC 35

Bench: A.N.Sen, D.A. Desai

ORDER

1. When the special leave petition came up for admission before the Court on December 14, 1981, the Court rejected the prayer for granting leave against the decree of eviction and gave a direction to issue notice confined to the question of quantum of damages by way of use and occupation charges. We grant leave limited to that question only.
2. We heard Mr. D. P. Mukherjee, learned Counsel for the appellants and Mr. Uma Datta, learned Counsel for respondents. The trial court has awarded damages at the rate of Rs. 100/- per month from August 1, 1969. The learned counsel for the respondents pointed out that the amount of damages payable by the appellants would be in the vicinity of Rs. 16,000/- and odd. This calculation was disputed by Mr. Mukherjee on behalf of the appellants. Having regard to the annual rent that was payable by the appellants in the past and with the consent of the respondents, who are entitled to the benefit of the order, we direct that Rs. 5000/- in all must be paid in full satisfaction of the claim of damages for the period for which the same is payable and inclusive of the period till actual possession is handed over by the appellants to the respondents. No question of further damages would arise in this case. In determining the quantum of lump sum damages we have kept in view the rent that was paid by the appellants to the respondents. We accordingly direct that the amount herein directed shall be paid within three months from today.
3. If the amount is not paid within the prescribed time, the appellants will pay interest at the rate of 9% per annum from the date of default till the amount is realised.
4. There shall be no order as to costs of the hearing of the appeal in this Court.