

Supreme Court of India

Ramniklal Devchand And Others vs Board Of Trustees Of Port Of ... on 30 April, 1993

Equivalent citations: 1994 SCC, Supl. (1) 506

Author: R Sahai

Bench: Sahai, R.M. (J)

PETITIONER:

RAMNIKLAL DEVCHAND AND OTHERS

Vs.

RESPONDENT:

BOARD OF TRUSTEES OF PORT OF MORMUGAO

DATE OF JUDGMENT 30/04/1993

BENCH:

SAHAI, R.M. (J)

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SAHAI, R.M. (J)

VENKATACHALA N. (J)

CITATION:

1994 SCC Supl. (1) 506

ACT:

HEADNOTE:

JUDGMENT:

ORDER Initiation of proceedings for eviction of petitioners in 1975 filed in the civil court have been assailed as provisions of Public Premises and Eviction Act having been made applicable to Bombay Port Trust in 1980 the civil court ceased to have jurisdiction. Learned counsel urged that the bar under Section 15 of the Act being on entertaining any act or proceeding and the word 'entertain' having been interpreted in Hindusthan Commercial Bank Ltd. v. Punnu Sahu (dead) through legal representatives' to mean the date of hearing the proceedings could not have been continued after 1980. The point was not permitted to be raised by the High Court as this question was not agitated in the trial court. In our opinion, the High Court did not commit any error in taking this view. We find no merit in this petition and the same is dismissed accordingly.

Court Master