

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5184 OF 2017  
[@ SPECIAL LEAVE PETITION (C) NO. 16585 OF 2015 ]

HINDUSTAN PETROLEUM CORPORATION LIMITED Appellant (s)

VERSUS

J. DHEVA LAKSHMI Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
  
2. The only surviving dispute is with regard to the use and occupation charges for the period between 12.02.2010 till October 2015 by the appellant to the respondent, after the order of eviction till the property was handed over. The contracted rate of rent was Rs. 5,000/- per month. However, the respondent-landlord had, in fact, requested for fixation of fair rent during the pendency of the proceedings. The High Court took note of the report of the Rent Controller and fixed the rent at Rs.1,35,800/- per month.
  
3. Having heard the learned counsel on both sides extensively, we find it difficult to appreciate the stand taken by the High Court. However, since we are

inclined to invoke our jurisdiction under Article 142 of the Constitution of India and give a quietus to the whole dispute, we do not intend to deal with the matter on merits.

4. It is directed that in full and final settlement of the entire claims of the respondent towards use and occupation charges for the period mentioned above, the appellant shall pay an amount of Rs. 30 Lakhs to the respondent.

5. Needless to say, the appellant is free to deduct the Tax at Source. The payment, as above, shall be made within a period of one month from today.

6. With the above observations and directions, the impugned order is set aside and the appeal is allowed.

No costs.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ R. BANUMATHI ]

New Delhi;  
April 11, 2017.

ITEM NO.23

COURT NO.7

SECTION XII

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

Petition(s) for Special Leave to Appeal (C) No(s). 16585/2015

(Arising out of impugned final judgment and order dated 23/12/2014 in CRP No. 4388/2014 passed by the High Court Of Madras)

HINDUSTAN PETROLEUM CORPORATION LIMITED

Petitioner(s)

VERSUS

J. DHEVA LAKSHMI

Respondent(s)

(with appln. (s) for permission to file additional documents and office report)

Date : 11/04/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Sanjay Kapur, Adv.  
Mr. Anmol Chandan, Adv.  
Ms. Priyanka Das, Adv.  
Ms. Shubhra Kapur, Adv.

For Respondent(s) Mrs. Geetha Kovilan, Adv.  
Mr. P. R. Kovilan, Adv.  
Ms. M. K. Aswathi, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed non-reportable  
Judgment

Pending interlocutory applications, if any, stand disposed  
of.

(Jayant Kumar Arora)  
Court Master

(Renu Diwan)  
Assistant Registrar

(Signed non-reportable Judgment is placed on the file)