

ITEM NO.19

COURT NO.7
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION XI

Miscellaneous Application No. 36/2025

[Arising out of impugned final judgment and order dated 28-08-2023 in D No. 29140/2023 passed by the Supreme Court of India]

RAJAT GAERA

Petitioner(s)

VERSUS

TARUN RAWAT

Respondent(s)

IA No. 249785/2024 - APPROPRIATE ORDERS/DIRECTIONS

Date : 25-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :Mr. Atin Hinduja, Adv.
Mr. Ashish Pandey, AOR
Mr. Prateek Rai, Adv.
Mr. Ashutosh Bhardwaj, Adv.
Mr. Shubham Saxena, Adv.
Mr. Akshit Chauhan, Adv.

For Respondent(s) :

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

By order dated 28.08.2023, while disposing of the special leave petition, we have reserved liberty to the petitioner herein to seek expeditious hearing of SCC Revision NO.51/2021.

Learned counsel for the petitioner/applicant herein submitted that there is no progress in the matter. The concern of the petitioner is that owing to the interim stay of the proceedings filed by the petitioner/applicant herein, there is no progress in the trial of the eviction proceeding. In the circumstances petitioner's counsel sought for a direction for expeditious hearing.

Although, we are mindful of the fact that there may be hundred of petitions pending before the High Court nevertheless, we are constrained to observe that where the High Court has stayed the trial in cases, particularly, pending between landlord and tenant, those cases must be heard expeditiously inasmuch as the stay of the trial or the original proceedings would inevitably, lead to delay in the conclusion of the trial and the entire proceedings thereafter.

In the circumstances, we are constrained to observe that the High Court may take note of the aforesaid observations and endeavour to dispose of those cases where trial of the cases have been stayed by the High Court by hearing those cases out of turn and as expeditiously as possible and obviously, in accordance with law.

Learned counsel for the petitioner sought for striking down of the defence owing to non-payment of admitted rent. The Trial Court accepted the said plea of the petitioner. Assailing the same, the tenant has filed the revision petition before the High Court which has stayed the entire original proceeding before the Trial Court. Hence, the petitioner is in a distress as his endeavour to seek vacant possession of the tenanted premises has been frustrated owing to the procrastination of the matter by the respondent-tenant by his non-appearance before the High Court.

Let a copy of this order may be placed before the Chief Justice of Allahabad High Court for issuing appropriate directions/instructions in the aforesaid regard.

The Miscellaneous Application stands disposed of in the aforesaid terms.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)