

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1438 OF 2025

(Arising out of SLP (C) No. 16536 of 2016)

LEELAWATI (DEAD) THR. LRS.

... APPELLANT(S)

VERSUS

STATE OF U.P. & ORS.

... RESPONDENTS

O R D E R

1. Leave granted.

2. Arising out of dismissal of the Writ Petition-C No. 63564 of 2015 by the High Court with a cost of Rs.20,000/-, this appeal has been filed by the appellant.

3. On perusal of the order it reveals, the suit seeking eviction on the ground of *bona fide* need was filed by appellant which was decreed by the prescribed authority under the Rent Act. On filing the rent appeal by tenant, it was allowed for the reason that in a suit based on *bona fide* need, ownership has not been proved

by the landlord. Assailing the said order, Civil Miscellaneous Writ Petition (Civil) No. 42095 of 2001 was filed by the landlord. The High Court while entertaining the writ petition passed an interim order on 22.09.2006. The said order is relevant therefore, reproduced as thus:

"Having pragmatic approach, considering the facts and circumstance of the case and location/area etc. of the accommodation in dispute, it would be appropriate that the rent of the disputed accommodation now be increased to Rs. 2000/- per month from September, 2006. It is accordingly directed that the tenant shall pay a sum of Rs. 2000/- per month towards rent to the landlady. The rent of September 2006 shall be paid by 7th of October, 2006 and thereafter by 7th day of each succeeding month till further orders. In case of default in payment of the current rent as directed by this Court the landlord can get the disputed accommodation vacated with the help of police within a period of one month by giving notice in writing."

4. Bare perusal of the aforesaid, it is clear that the Court directed to pay Rs. 2000/- per month as enhanced rent from September 2006. It was also observed that in case of default in payment of enhanced current rent, the landlord can get the possession of the suit premises with the help of police after serving notice of

one month. The appellant alleges that the enhanced rent had not been paid. It is also a fact that the said writ petition was finally dismissed on 05.12.2012. The order of the dismissal of writ petition is relevant, therefore, reproduced for ready reference as thus:

"5. Learned counsel for petitioner could not show that findings of fact recorded by Appellate Court are perverse or contrary to material on record. In absence of anything to demonstrate perversity in the findings recorded by the Appellate Court, I find no reason to interfere. The scope of judicial review under Article 227 is very limited and narrow as discussed in detail by this Court in Writ A No. 11365 of 1998 (Jalil Ahmad Vs. 16th Addl. Distt. Judge, Kanpur Nagar and others) decided on 03.7.2012. There is nothing which may justify judicial review of order impugned in this writ petition in the light of exposition of law, as discussed in the above judgment.

6. In view of above, I do not find any reason to interfere.

7. Dismissed.

8. Interim order, if any, stands vacated."

5. As per the said order, while dismissing the writ petition filed against the judgment passed in rent appeal, dismissing the suit of eviction, the Court observed that the order of the appellate authority did not reflect any perversity, therefore in a limited scope

of judicial review under Article 227 of the Constitution of India refrained to interfere in the order of rent appeal and vacated the interim order also.

6. As per the interim order dated 22.09.2006 and till dismissal of the writ petition, the appellant could not get the possession, therefore, she filed Writ Petition No. 64567 of 2013 which was disposed of by order dated 26.11.2013. The relevant portion of the order is reproduced as under:

“Consequently, in the facts of the case, SSP/DIG of Kanpur Nagar, is directed to look into the grievance of petitioner and redress the same, in accordance with law, preferably within next two months from the date of receipt of certificate copy of this order. With these observations and directions, writ petition stands disposed of”

7. In view of the above, it is clear that in furtherance to the order dated 22.09.2006 due to default in payment of the current enhanced rent, direction to take possession could not be fructified. On submitting representation to the police personnel, no action was

taken. Thus, appellant filed another Writ Petition No. 63564 of 2015 which came to be dismissed with cost by the order impugned. The High Court by the impugned order observed as thus: -

"The petitioner once again is before this Court in pursuance of the order passed by this Court and is submitting that he has proceeded to take all requisite formalities required at her end but premises in question is not being vacated and other family members have been continuing with the occupation. Here from the record, what we find that deliberate and will-full attempt has been made by the petitioner to mislead this Court by means of filing writ petition. The petitioner has succeeded in procuring the order of this Court dated 26th November, 2013 on the basis of interim order dated 22nd September, 2006, whereas the Writ Petition No. 42095 of 2001 (Smt. Leelawati Vs. XI Additional District Judge, Kanpur Nagar and another) has been dismissed on merit by this Court on 05.12.2012. Thus on its face value concealing the factum of final dismissal of writ petition on 05.12.2012 by misleading this Court petitioner proceeded to obtain the order dated 26.11.2013 and the said order is not being complied with is the grievance of petitioner in the present writ petition.

On 26th November, 2013 the order has been passed on account of concealment of fact, in view of this no relief to the petitioner in the present writ petition can be accorded, as fraud and justice can not dwell together.

The present writ petition is dismissed with exemplary cost of Rs. 20,000/- to be deposited within three months from today with the Registrar General of this Court who shall transmit the amount in the account of State Legal Services Authority for being utilized for poor litigants. In case the amount as aforesaid is not deposited, the same shall be recovered from the petitioner as arrears

of land revenue.”

8. Having heard learned counsel for the parties and on perusal of the pleadings of Writ Petition No. 64567 of 2013 in particular para 29, the reference of dismissal of Writ Petition No. 42095 of 2001 was made but while hearing the writ petition, the said order of dismissal has not been brought to the notice of the Court. In the said sequel, the Court was of the opinion that even after dismissal of the Writ Petition No. 42095 of 2001 on 05.12.2012, an attempt was made by petitioner to obtain orders of the Court relying upon the interim order dated 22.09.2006 though while dismissing the said writ petition, it was vacated. We are compelled to observe that, on dismissal of the writ petition, interim order if any, passed in the proceedings would merge with the final order. In other words, on dismissal of the writ petition on 05.12.2012, the interim order dated 22.09.2006 had merged in the final order and lost its efficacy. As such, the action of the appellant persuading the Court by filing the writ petition does not seem *bona fide*. The High Court, in our view, has

rightly deprecated the action of the appellant to approach High Court again and again for implementation of the interim order passed in the dismissed writ petition lacks *bona fides* of petitioner and imposition of cost is fully justified.

9. It is necessary to observe that the proceedings in the Court of law are initiated for adjudication of disputes and to provide justice to the parties, by which trust and confidence of the litigants reposed on this great institution can be maintained. In case one of the parties misuse the said process or attempt to obtain an order by trick and strategem, the Courts would be justified in imposing the costs for igniting such vexatious litigation. In our view, the cost imposed by the High Court in a sum of Rs.20,000/- is meagre, which deserves to be increased to Rs.50,000/-, as the petitioner has proceeded to pursue his vexatious claim even before this Court. Said costs shall be deposited before the Uttar Pradesh State Legal Services Authority, Allahabad.

10. In view of the foregoing, we dismiss this appeal by enhancing the cost as indicated above. The costs shall be paid within a period of three months, as otherwise it shall be recovered by the State Legal Services Authority, as arrears of the land revenue. Pending applications, if any, shall stand disposed of.

.....J.
[J.K. MAHESHWARI]

.....J.
[ARAVIND KUMAR]

New Delhi;
February 04, 2025.

ITEM NO.2

COURT NO.6

SECTION XI

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). 16536/2016

[Arising out of impugned final judgment and order dated 03-12-2015 in WC No. 63564/2015 passed by the High Court of Judicature at Allahabad]

LEELAWATI (DEAD) THR.LRS

Petitioner(s)

VERSUS

STATE OF U.P . & ORS.

Respondent(s)

(IA No. 164903/2023 - EXEMPTION FROM FILING O.T. IA No. 34977/2018 - EXEMPTION FROM FILING O.T.)

Date : 04-02-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) : Mr. Shailendra Kumar Mishra, Adv.
Mr. Sharad Prakash Pandey, Adv.
Mr. Ashutosh Jha, AOR

For Respondent(s) : Ms. Ruchira Goel, AOR
Ms. Ritika Rao, Adv.

Mr. Dushyant Parashar, AOR

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

1. Leave granted.
2. The appeal is dismissed in terms of the signed order. Pending applications, if any, shall stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(NAND KISHOR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)