



2017 INSC 1160

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 483/2009

H. PRABHAKAR BALIGA & ANR. APPELLANT(S)

VERSUS

VASUDEVA RAO KANEMAR @ V.R. KANEMAR & ANR. RESPONDENT(S)

J U D G M E N T

KURIAN, J.

The appellants/tenants are aggrieved by the impugned orders passed by the High Court. According to the appellants, House Rent Control Petition for eviction was not maintainable in view of the bar under Section 2(7) of the Karnataka Rent Control Act, 1961.

2. Learned counsel appearing for the respondents points out that at the time when the eviction petition was filed the same was maintainable and the bar was only created by the subsequent amendment. It is also submitted that these aspects have been considered by this Court in R. Kapilnath (Dead) through LR. v. Krishna, reported in (2003) 1 SCC 444. It has been held by this Court that the proceedings which had already been initiated prior to the amendments would not affect the pending actions.

3. We do not, hence, find any merit in this appeal. It is, accordingly, dismissed.

4. However, the appellants are granted time up to 31.03.2018 to surrender vacant possession of the premises in question, subject to the appellants' filing a usual undertaking before this Court within three weeks.

5. Pending applications, if any, shall stand disposed of.

6. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[AMITAVA ROY]

NEW DELHI;
NOVEMBER 30, 2017.