

(2012) 09 AHC CK 0110
In the Allahabad High Court
Case No : Writ A. No. 38161 of 1997

Angoori Devi (Smt.) and Others

APPELLANT

Vs

With A.D. and Sessions Judge, Mathura and Ors.

RESPONDENT

Date of Decision : 04-09-2012

Acts Referred:

Citation : (2012) 09 AHC CK 0110

Hon'ble Judges : Sudhir Agarwal, J

Final Decision : Dismissed

Judgement

Sudhir Agarwal, J.—Heard Sri Rahul Sahai, learned Counsel for the petitioner and perused the record.

2. The writ petition is directed against the judgment dated 8. 11. 1994 passed by Vth Additional Munsif Magistrate, Mathura in S. C. C. Suit No. 51 of 1984 decreeing the suit for ejectment of petitioner-tenant and recovery of arrears of rent and revisional order dated 30. 7. 1997 passed by VIth Additional District Judge, Mathura dismissing petitioner's revision.

3. Firstly, it is contended that Courts below have erred in law in holding that since there was no denial regarding notice, it would mean that notice was accepted and admitted by the petitioner and non payment of rent thereafter would be deemed to be admission on the part of petitioner and secondly; the petitioner has paid rent to another person and rent receipts were also filed but the same have not been accepted by the Courts below on the ground that rent was not paid to the landlord/owner of the premises in question.

4. Having gone through the impugned judgments this Court finds that both the Courts below have found that neither notice was invalid nor dispute raised by the petitioner regarding ownership has been found to be substantiated and issue raised by the petitioner regarding validity of notice have also been adjudicated against him. These are all concurrent findings of fact and have not been shown perverse or contrary to record. The arguments raised in this Court was raised in

Revisional Court also but has not found favour. The learned Counsel for the petitioner could not show any manifest error in the revisional order warranting interference by this Court.

5. The scope of judicial review under Article 227 is very limited and narrow as discussed in detail by this Court in Civil Misc. Writ Petition No. 11365 of 1998 (Jalil Ahmad Vs. 16th Addl. District Judge, Kanpur Nagar & Ors., decided on 30. 7. 2012. reported in 2012 (3) ARC 339. 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 the above, I do not find any reason to interfere. Dismissed.

7. Interim Order, if any, stands vacated.