

(1999) 05 AHC CK 0104

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 22259 of 1999

Bashir Nisha

APPELLANT

Vs

Prescribed Authority/IIIrd Addl. Civil Judge (Senior Division)
Bulandshahar and Others

RESPONDENT

Date of Decision : 28-05-1999

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 21(I)(a)

Citation : (1999) 05 AHC CK 0104

Hon'ble Judges : Yatindra Singh, J

Final Decision : Disposed Of

Judgement

Yatindra Singh, J.—Sri Devi Saran, respondent No. 2 is landlord of the shop in dispute. Admittedly, Abdul Hakeem was tenant of the same. He died and thereafter the tenancy right was inherited by his heirs namely, the petitioner as well as respondent Nos. 3 and 4. Sri Devi Saran filed release application under Section 21 (I)(a) of the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (the Act for short) which has been contested by respondent No. 3. So far service on petitioner and respondent No. 4 are concerned it was held sufficient on 921998. Subsequently the petitioner filed an application on 22nd February, 1999 to give her opportunity in the matter. This application has been rejected by the order dated 241999.

2. I have heard Sri Rajesh Tandon, counsel for the petitioner and Sri B.D. Mandhyan counsel for the respondent No. 2. There is no illegality in this order. Sri B.D. Mandhyan states that in order to avoid any kind of technical objection in future, he will have no objection if the petitioner files whatever objection or affidavit before the Prescribed Authority before 18th June, 1999 after serving a copy on the counsel for the respondent No. 2 appearing before the Prescribed Authority. The respondent No. 2 may file affidavit/document in rebuttal of the same by 9th July, 1999. This case may be filially taken up in the week commencing 12th July, 1999 or the date, which is convenient to the Prescribed

Authority. Sri Rajesh Tendon, counsel for the petitioner states that on the date fixed in July, 1999 his client will not seek adjournment and will argue the case on merit.

3. In view of the statement made by the parties, the present Writ Petition is disposed of.