
(2011) 05 AHC CK 0202
In the Allahabad High Court
Case No : Writ A. No. 25983 of 2011

Bharat Bhushan Chawada

APPELLANT

Vs

A.D.J.Court No.3, Jhansi and Another

RESPONDENT

Date of Decision : 04-05-2011

Acts Referred:

Citation : (2011) 05 AHC CK 0202

Hon'ble Judges : Rakesh Tiwari, J

Final Decision : Disposed Of

Judgement

Rakesh Tiwari, J.—Heard counsel for the parties and perused the record.

2. The only prayer of the petitioner is that the Additional District Judge, Court No.3, Jhansi/respondent no.1 may be directed to decide Rent Control Appeal No. 26 of 2010, Bharat Bhushan Chawada versus Subhash Chand expeditiously as early as possible within a stipulated time fixed by this Court.

3. According to the petitioner, it is well settled law that the Rent Control matter be decided within a period of six months but in this case 6 months have elapsed and now the next date is 3.5.2011 fixed by the appellate court for final arguments, hence the instant writ petition has been filed by the petitioner with the aforesaid prayer.

4. If a party is frequently taking dates after dates to delay dispensation of justice there has to be a limit to such tactics adopted by a party. The Courts are not expected to be a party to such tactics by readily giving adjournments in cases just for the asking. The JSCC suits are required to be decided within six months as provided in the Small Causes Courts Act 1887 and within three months by the Prescribed Authority appointed under the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (U.P. Act No. XIII of 1972). Frequent dates should not be given. The Courts have a responsibility to decide the case within the time which has been fixed by the legislation in its wisdom and they have to strive to decide the cases in the time limit so fixed. If they do not

do so, it sets a bad precedent opening the Pandora's box for public criticism. Delay erodes the faith of the public in justice of system, hence care should be taken in this regard by the Courts.

5. Rule 15(3) of U.P. Urban Buildings (Regulation Of Letting Rent & Eviction) Rules, 1972 provides that release application may be decided within a period of two months from the date of its presentation.

6. Without entering into the merits of the case and in view of the fact that Rent Control Appeal No. 26 of 2010, Bharat Bhushan Chawada versus Subhash Chand is pending before the Additional District Judge, Court No. 3, Jhansi, the writ petition is disposed of finally with a direction to the Additional District Judge, Court No. 3, Jhansi to decide the aforesaid Rent Control Appeal No. 26 of 2010 within a period of 6 months from the date of production of a certified copy of this order.

7. No order as to costs.