
(2016) 04 AHC CK 0137

In the Allahabad High Court

Case No : S.C.C. Revision Defective No. 156 of 2015

Jamal Ahmad

APPELLANT

Vs

Special Judge P.C. Act Court No. 2, Lucknow

RESPONDENT

Date of Decision : 21-04-2016

Acts Referred:

Citation : (2016) 2 ARC 806

Hon'ble Judges : Rakesh Srivastava, J.

Bench : Single Bench

Advocate : Surendra Kumar Shukla, Advocate, for the Appellant; Mohd. Yusuf Ansari, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Rakesh Srivastava, J.—Heard Shri Surendra Kumar Shukla, learned counsel for the revisionist and Shri Mohd. Yusuf Ansari, learned counsel for respondent no.2.

2. The revisionist is a tenant in a house owned by Sri Shakeel Ahmad ? respondent no.2 on a monthly rent of Rs.1000/-. The house is situated at Mohalla Nai Basti, Sadar Bazar Cantt, Lucknow.

3. Respondent no.2 filed a suit for ejectment, recovery of arrears of rent and damages for use and occupation against the petitioner. On 16.5.2015, the said suit was decreed by the Special Judge, P.C. Act, Court No.2, Lucknow.

4. The judgment and decree dated 16.5.2015 passed by respondent no.1 in S.C.C. Suit No.153 of 2014 is under challenge in the present writ petition.

5. After arguing at some length, Sri Surendra Kumar Shukla, the learned counsel for the revisionist states that in case some reasonable time is granted to the revisionist, the revisionist would vacate the house in dispute. Sri Mohd. Yusuf Ansari, learned counsel for the respondent no. 3, has no objection to the request made on behalf of the petitioner.

6. In view of the above, with the consent of Sri Surendra Kumar Shukla, the learned counsel for the petitioner and Sri Mohd. Yusuf Ansari, learned counsel for respondent no.2, the revisionist is granted time upto 15.5.2016 to vacate the house in dispute subject to the following terms and conditions:-

a. The tenant-revisionist shall handover peaceful vacant possession of the house in dispute to respondent on or before 15.5.2016. The revisionist shall also pay to the respondent no.2 a sum of Rs.18,000/- towards full and final payment of arrears of rent by the date fixed.

b. The tenant-revisionist shall file an affidavit before the Special Judge, P.C. Act, Court No.2, Lucknow by 29.4.2016, containing the undertaking that he would handover peaceful vacant possession of the house in dispute to the respondent no.2 on or before 15.5.2016 and shall also pay to the respondent no.2 a sum of Rs.18,000/- towards full and final payment of arrears of rent by the date fixed.

c. In case the affidavit containing the undertaking mentioned above is filed before the Special Judge, P.C. Act, Court No.2, Lucknow within the time mentioned above, the tenant-revisionist shall not be evicted from the house in dispute upto 15.5.2016.

d. In case, the affidavit containing the undertaking is not filed before the Special Judge, P.C. Act, Court No.2, Lucknow by 29.4.2016 the tenant-revisionist shall not be entitled to the benefit of the order passed today and in that eventuality he shall be liable to be evicted forthwith from the house in dispute.

e. If after filing the undertaking the tenant-revisionist does not pay to respondent no.2 a sum of Rs.18,000/- on or before 15.5.2016, the tenant shall be liable to pay the entire outstanding amount along with interest @ 12% per annum till the time of its actual payment.

f. If after filing the undertaking the peaceful vacant possession of the house in dispute is not handed over by the tenant-revisionist to respondent no.2 by 15.5.2016, then the revisionist shall be liable to pay rent/damages @ Rs.5000/- per month till the property in dispute is actually vacated.

7. The direction for payment of Rs.5,000/- per month is in addition to the right of the landlord to file contempt petition and to get the accommodation in dispute evicted through execution.

8. The revision stands disposed of accordingly.