

(2012) 03 AHC CK 0138
In the Allahabad High Court
Case No : Writ - A No. 13291 of 2012

Karan Singh (Dr.) (Since Deceased) & Others	APPELLANT
Vs	
Kunwar Shiv Mahendra Kumar Singh (Since Deceased) & Ors	RESPONDENT

Date of Decision : 19-03-2012

Acts Referred:

Provincial Small Cause Courts Act, 1887 — Section 18, 25

Citation : (2012) 03 AHC CK 0138

Hon'ble Judges : Shashi Kant Gupta, J

Final Decision : Allowed

Judgement

Shashi Kant Gupta,J.

1. Notice on the behalf of Respondent Nos. 1/1 & 1/2 has been accepted by Sri Anil Sharma, learned counsel for the respondents, he prays for and is granted three weeks" time for filing counter affidavit.
2. The petitioners will have three weeks time thereafter for filing rejoinder affidavit.
3. List the matter in the second week of May, 2012 along with Writ A No. 10452 of 2012.
4. Till the next date of listing, the petitioners shall not be evicted from the premises in dispute provided the petitioner deposits the entire decretal amount including the damages within a period of six weeks from today after adjusting the amount, if any, already deposited by the petitioners. On deposit of the said amount, the respondentslandlord shall be entitled to withdraw half of the amount without furnishing any security and the remaining half on furnishing security to the satisfaction of the court concerned.
5. Considering the facts and circumstances of the case and the submission of the parties, it is further provided that the petitioners shall deposit Rs. 1600/ per month as rent/damages w.e.f. March, 2012 for use and occupation of the

disputed premises by 7th of each succeeding month before the trial court for immediate payment to the landlord.

6. In case of default in compliance of the aforementioned conditions, the stay order shall stand automatically vacated.

7. It is made clear that the rate of rent has been enhanced to Rs. 1600/ per month with the consent of learned counsel for the petitioners.