

(2008) 07 AHC CK 0172

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 38090 of 2008

Maresh Kumar Verma

APPELLANT

Vs

Civil Judge (J.D.) West Allahabad and another

RESPONDENT

Date of Decision : 31-07-2008

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 30

Citation : (2008) 07 AHC CK 0172

Hon'ble Judges : S.U.Khan, J

Final Decision : Disposed Of

Judgement

S.U. Khan, J.—In view of the assertion made in paragraph9 of the writ petition that in Misc. Case No. 377 of 2002 landlordrespondent has not appeared, this writ petition is being decided finally without issuing notice to landlordrespondent No. 2.

2. This writ petition is directed against order dated 23.5.2008 passed in the aforesaid case by Civil Judge (Junior Division), West Allahabad. That case has been initiated by tenant/petitioner under section 30 of Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 for depositing the rent. Tenant had deposited certain amount as rent in the said case. Afterwards two applications were filed on 21.4.2008 to the effect that instead of depositing the rent before Civil Judge (J.D.) East it was wrongly deposited before Civil Judge (J.D.) (West), Allahabad and it was prayed that case might be dismissed as not pressed; money order coupons etc. might be returned to the applicant and deposited rent might also be returned to the applicant. The Court below has rejected the said applications. In my opinion the impugned order is utterly erroneous in law. When the rent was deposited by the tenant himself and he wanted to withdraw the same and landlord had not appeared, there was absolutely no reason for rejecting the said application.

3. Accordingly, writ petition is allowed. Misc. Case No. 377 of 2002 is dismissed

as not pressed. Money order coupon etc. should be returned to the petitioner. Tenant may withdraw the deposited amount at his own risk. It is clarified that any of the deposits made by the tenant before Civil Judge (J.D.), West, Allahabad in Misc. Case No. 377 of 2002 will not be treated to be payment to the landlord.