
(2012) 02 AHC CK 0004
In the Allahabad High Court
Case No : Writ A. No. 61418 of 2011

M/S Ram Krishna Radha Krishna And Others	APPELLANT
Vs	
Smt. Ram Kishori	RESPONDENT

Date of Decision : 02-02-2012

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 21(1)(a), 22

Citation : (2012) 2 RCR(Rent) 190 : (2012) 2 RCR(Rent) 190

Hon'ble Judges : Dilip Gupta, J

Bench : Single Bench

Advocate : Atul Dayal, for the Appellant; Manish Tandon, for the Respondent

Judgement

Dilip Gupta, J.—tenants have assailed the order dated 22nd September, 2011 passed by the Appellate Court on the Stay Application in the appeal filed by the tenants u/s 22 of the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (hereinafter referred to as the "Act") against the order passed by the Prescribed Authority for release of the shop. It is seen from the records of the writ petition that the application filed by the landlords-respondents u/s 21(1)(a) of the Act for release of the shop on 15th July, 2004 was allowed by the Prescribed Authority by the order dated 15th October, 2010. Feeling aggrieved, the tenants filed an Appeal u/s 22 of the Act but as execution proceedings had not been initiated by the landlords, Stay Application was not filed with the Appeal. The landlords moved the execution application on 27th November, 2010 whereafter the tenants, on getting information about the execution case, filed a Stay Application in the pending Appeal on 8th August, 2011. Objections were filed by the landlords contending that the rate of rent should be enhanced.

The Appellate Court by the order dated 22nd September, 2011 has stayed the eviction of the appellants provided they deposit L 5000/- per month as damages from the date the Prescribed Authority passed the release order on 15th October,

2010.

2. Sri Atul Dayal, learned counsel for the petitioners has submitted that the Appellate Court fell in error in calculating the rent by taking into consideration the circle rate prevalent at that time. It is his submission that the rent has been exorbitantly increased by the Appellate Court and the petitioners would have no objection if the rent is reasonably increased. It is also his submission that the petitioners are agreeable to pay the enhanced rent from the date the order was passed by the Appellate Court and not from the date the release order was passed.

3 Sri Manish Tandon, learned counsel appearing for the respondent-landlords has stated that the respondents would have no objection if a reasonable rent is fixed by the Court but the Appeal filed by the tenants should be directed to be decided expeditiously.

4. At this stage, learned counsel for the petitioners as also the learned counsel for the respondents have agreed that the rent to be paid by the appellants should be reduced to 3000/- from L 5000/- and that the same shall be payable to the landlords from the date the Appellate Court passed the order i.e. 22nd September, 2011. In view of the statements made by the learned counsel for the parties, this petition is disposed of by modifying the order dated 22nd September, 2011 passed by the Appellate Court that the rent directed to be paid by the appellants shall be reduced to L 3000/- per month from the date of passing of the order by the Appellate Court i.e. 22nd September, 2011. The rent to be paid by the appellants, from the date the release order was passed by the Prescribed Authority to the date the stay order was passed by the Appellate Court, shall be at the same rate i.e. L 600/- and for the remaining period upto the month of January, 2012, the petitioners shall pay L 3000/- per month as rent. The amount already deposited shall be adjusted. It is further directed that the Appellate Court shall make all endeavours to decide the Appeal expeditiously, preferably within a period of six months from the date a certified copy of this order is filed before the Appellate Court as learned counsel for the parties have stated that no unnecessary adjournments shall be sought by them.