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**(1998) 11 AHC CK 0061**

**In the Allahabad High Court**

**Case No :** Civil Miscellaneous Writ Petition No. 3and60 of 1998

Rais Ali and Others

APPELLANT

Vs

IInd Addl. District Judge,Kanpur and Others

RESPONDENT

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**Date of Decision :** 06-11-1998

**Acts Referred:**

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

**Citation :** (1998) 11 AHC CK 0061

**Hon'ble Judges :** S.N.Agarwal, J

**Final Decision :** Dismissed

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## **Judgement**

Sudhir Narain, J.—This writ petition is directed against the order of the Prescribed Authority dated 26.3.1981 whereby the release application filed by the landladyRespondent was allowed and the order of the appellate authority dated 28.9.1998 affirming the said order in appeal. The landladyRespondent filed an application under Section 21(1) (a) of U. P. Act No. 13 of 1972 alleging that she is owner of House No. 88/29, Chamanganj, Kanpur and resides in a part of this house along with her family. The family consists of herself, her husband, five sons and three daughters. The accommodation available with the landlady consisting of one room, accommodation is hardly sufficient for her. The application was contested by the petitioners that the landlady is not the sole owner of the premises in dispute. The disputed house is owned by Smt. Alimunnisa and others. The tenants denied that the need of the landlady is bona fide. The Prescribed Authority held that the need of the landlady was bona fide and genuine. The release application was allowed and the appellate authority has affirmed it.

2. I have heard Sri. S. M. Dayal, learned counsel for the petitioners and Sri B. D. Mandhyan, learned counsel for the Respondent.

Learned counsel for the petitioner has assailed the concurrent findings recorded by the Prescribed Authority and the appellate authority. From the perusal of the

impugned orders 1 do not find any manifest illegality in the same.

3. In the end, the learned counsel for the petitioners prayed that some time be granted to vacate the accommodation in question. The petitioners are residing for a long time and financially not well off.

4. Considering the facts and circumstances of the case, the petitioners are granted eight months time to vacate the disputed accommodation provided the petitioners give an undertaking before Respondent No. 2 on affidavit within three weeks from today that they will vacate the premises in dispute within the time granted by this Court and handover vacant possession to the landlady Respondent No. 3.

Subject to the observations made, the writ petition is dismissed.