

(2012) 01 AHC CK 0412
In the Allahabad High Court
Case No : Writ - A No.-5284 of 2012

Rajendra Kumar

APPELLANT

Vs

Ram Krishna Laddha & Another

RESPONDENT

Date of Decision : 30-01-2012

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 6 Rule 17, 151
Provincial Small Cause Courts Act, 1887 — Section 18, 25
Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 21(1)

Citation : (2012) 01 AHC CK 0412

Hon'ble Judges : Dilip Gupta, J

Final Decision : Allowed

Judgement

Dilip Gupta, J.—This petition seek the quashing of order dated 28th September, 2011 passed by the Revisional court by which the amendment Application filed by the Revisionists has been allowed.

2. SCC Suit No. 28 of 2002 has been filed by the plaintiffRevisionists (respondents) for eviction of the defendant from the shop and for recovery of arrears of rent The Suit was dismissed by the Judge, Court of Small Causes holding that no rent was due. The plaintiffs filed a Revision and during the pendency of the Revision, and application for amending the plaintiff was filed contending that the UP. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (hereinafter referred to as the "Act") did not apply to the property since the building belonged to or was vested in i public charitable institution. The amendment application filed by the revisionists has been allowed against which the present petition has been filed.

3. It is contended by learned counsel for the petitioner that the plea taken that the provisions of the Act will not apply, completely changes the entire nature of the suit It is also submitted that in respect of the same building, Writ Petition No.2549 of 2012 was filed to assail a similar order allowing the amendment

application and the Court stayed the further proceedings. It is, therefore, submitted that the petitioner is entitled to similar protection.

4. The matter requires examination.

5. Connect this petition with Writ Petition No.2549 of 2012 and list on the date fixed.

6. Issue notice to the respondents by registered post. Steps may be taken within a week.

7. Respondents may file the counter affidavit within a period of six weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

8. In view of the submissions advanced by the learned counsel for the petitioners and in view of the interim order passed by the Court in Writ Petition No.2449 of 2012 it is ordered that further proceedings in Revision No.30 of 2006 shall remain stayed till the next date of listing.