

(2012) 05 AHC CK 0197
In the Allahabad High Court
Case No : Writ - A No. 14019 of 2012

Ramautar Agrawal and another	Vs	APPELLANT
Mangal Singh and another		RESPONDENT

Date of Decision : 02-05-2012

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 9 Rule 13
Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 21

Citation : (2012) 05 AHC CK 0197

Hon'ble Judges : Shashi Kant Gupta, J

Final Decision : Disposed Of

Judgement

Shashi Kant Gupta, J.

This writ petition has been filed against the order dated 1.10.2010 passed in P. A. Case No. 4 of 2010, Mangal Singh Vs. Ramautar Agarwal and others (Annexure 1 to the writ petition) and order dated 24.2.2010 (Annexure 2 to the writ petition) whereby the release application filed under Section 21 of the UP Act No. 13 of 1972 (in short "Act") by the respondentslandlord was allowed exparte and the application of the petitioner filed for recalling and setting aside the order dated 1.10.2010 was dismissed.

Today when the matter was taken up, learned counsel for the landlord respondent No. 1 filed a supplementary counter affidavit and submitted that petitioners have no objections if the impugned orders are set aside, provided that the directions be given to the court below to decide the release application filed under Section 21 of the Act within a period of three months positively from the date of production of a certified copy of this order before it and the petitioners deposit the entire rent/damages due from them with effect from July 2007 uptodate within a stipulated period of time.

Per contra, learned counsel for the petitioners has submitted that the petitioners are prepared to deposit the entire rent/damages due from them since July 2007

and further undertake that they will not seek any undue adjournment in the matter and will cooperate in the speedy disposal of the case as indicated hereinabove.

In view of the above, with the consent of the learned counsel for the parties and without going into the merits of the case, the impugned orders 1.10.2010 and 24.2.2010 are hereby set aside and the matter is remanded to the concerned prescribed authority to decide the application of the landlord filed under Section 21 of the Act within a period of three months positively from the date of the receipt of the certified copy of this order. It is further provided that the petitioner shall deposit the entire rent/damages with effect from July 2007 upto date within a period of one month from today before the court below for immediate payment to the landlord Respondent No. 1 failing which the impugned orders dated 1.10.2010 and 24.2.2010 passed by the courts below would automatically stand revived and the present writ petition shall be treated as to have been dismissed. The amount, if any, already deposited or paid by the petitioners to the Respondent No. 1, landlord towards rent/damages shall be adjusted.

Learned counsel for the petitioners undertakes that he will not seek any undue adjournment in the matter and will cooperate in the speedy disposal of the case as indicated hereinabove.

Both the Parties shall appear before the concerned Prescribed Authority on 15th May 2012 and produce the certified copy of this order before it.

It is made clear that in case if the petitioners cause any obstruction in the progress of the proceedings of the case, concerned Authority will be at liberty to proceed exparte in the matter.

It is further made clear that nothing stated above shall be construed as expression of opinion on the merits of the case and concerned court shall pass appropriate order in accordance with law.

With this observation, the writ petition stands disposed of.