
(2011) 07 AHC CK 0140
In the Allahabad High Court
Case No : Writ A. No. 33669 of 2011

Saroj Sharma (Smt.)

APPELLANT

Vs

Learned Special Judge (Economic Offence Act) and Others

RESPONDENT

Date of Decision : 12-07-2011

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 20(2)(a)

Citation : (2011) 07 AHC CK 0140

Hon'ble Judges : S.K.Gupta, J

Final Decision : Dismissed

Judgement

Shashi Kant Gupta, J.—Heard learned counsel for the petitioner, Sri M.M. Jain, learned counsel for the respondent no. 3 and perused the record.

2. The petitioner is a tenant of the disputed premises. A suit for arrears of rent and ejectment was filed by the respondent no. 3 (landlord). The said suit was decreed by judgment and order dated 20.10.2009 by the Trial Court. Being aggrieved with the said order, the petitioner filed a S.C.C. Revision No. 42 of 2009, which has been dismissed by judgment and order dated 09.05.2001. Hence the present writ petition.

3. The learned counsel for the petitioner has submitted that the premises comes within the ambit of U.P. Act No. XIII of 1972.

4. Bare perusal of the record would show that the petitioner herself has stated in paragraph 17 of the present writ petition that the provision of U.P. Act No. 13 of 1972 is not applicable in the present case. Learned counsel for the petitioner had also conceded to the said point as it is evident from the bare perusal of the judgment of the revisional court. Both the courts below after perusing the pleadings and evidence held that the petitioner was in arrears of rent and further held that the notice was served upon the petitioner.

5. Both the courts below have given cogent, convincing and satisfactory reasons

while decreeing the suit. The findings recorded by the courts below are neither perverse nor based on any extraneous or irrelevant material and have been recorded on meticulous evaluation of evidence and pleadings available on record. This Court cannot substitute its opinion for the opinion of the court below unless it is found that the conclusion drawn by the lower courts are erroneous.

6. I do not find any illegality or infirmity in the impugned orders. The learned counsel for the petitioner failed to point out any illegality in the impugned orders.

7. In the result, the petition is dismissed. No order as to costs.

8. After the judgment was dictated, learned counsel for the petitioner urged that at least six months time may be granted to him for vacating the premises in question. The learned counsel for the landlord did not raise any objection to it.

9. As urged by the learned counsel for the petitioner, six month's time is granted to the petitioner to vacate the premises in dispute provided the petitioner gives his undertaking in the form of an affidavit before the prescribed authority within one month from today specifically stating therein that they will handover the peaceful possession of the said accommodation to the landlord opposite parties without inducting any third person within a period of six months from today. It is further provided that she shall pay the entire arrears of rent including the current rent at the rate of Rs. 500/ per month upto the date of delivery of the vacant possession of the disputed premises within one month from today.

10. In the event of default of any of the aforesaid conditions, the landlord opposite parties will be at liberty to proceed to evict the petitioner, if necessary by coercive process with the aid of police force.