
(2012) 09 AHC CK 0131
In the Allahabad High Court
Case No : Writ A. No. 43704 of 2004

Shiv Prasad @ Nate

APPELLANT

Vs

Addl. Dist. Judge and Others

RESPONDENT

Date of Decision : 18-09-2012

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 30(2)

Citation : (2012) 09 AHC CK 0131

Hon'ble Judges : Sudhir Agarwal, J

Final Decision : Dismissed

Judgement

Sudhir Agarwal, J.—This writ petition is directed against the order dated 09.09.2004 passed by Additional District Judge, Court No. 1, Basti allowing respondents' Revision No. 218 of 2000 and setting aside the Trial Court's order dated 28.08.2000 permitting petitioner to deposit rent from January 1990 and onwards observing that during aforesaid period S.C.C. Suit No. 3 of 1989 was pending before Trial court and, therefore, the petitioner ought to have deposit rent in the pending case and not under Section 30 subsection (2) of U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (hereinafter referred to as the "Act, 1972").

2. Learned counsel for the petitioner could not point out any provision under which even during pendency of a suit for ejectment a tenant can resort to deposit rent under Section 30(2) instead of court below in which ejectment suit is pending.

3. This Court in Shiv Raj Singh Vs. Sri Jitendra Babu and others, Writ Petition No. 19656 of 2003, decided on 21.05.2003 has clearly held that after the knowledge of pendency of suit of ejectment on the ground of default, the tenant is not authorized to institute the case for deposit of rent under Section 30 of Act, 1972 and where such a case has been instituted prior to receiving of notice of termination of tenancy and demand of rent, tenant is not authorized to continue

to deposit the rent after receiving the said notice.

4. The aforesaid decision has been followed in Smt. Khursheeda Begum and others Vs. Additional District Judge and others, 2004(1) AWC 851.

5. In view of above and considering the fact that learned counsel for the petitioner neither could advance any argument to pursue this Court to take an otherwise view nor place anything to show that the view taken by Revisional Court is not Court, I do not find it a fit case warranting interference under Article 226 of the Constitution.

6. Dismissed. Interim order, if any, stands vacated.