

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 8121 of 2023

Petitioner :- Krishan Kumar Bansal

Respondent :- Hafiz Ahmad Husain

Counsel for Petitioner :- Sumit Daga

Hon'ble Prakash Padia,J.

1. The petitioner has preferred the present petition under Article 227 of the Constitution of India with the prayer to set-aside the judgment and order 27.02.2023 passed by the Additional District Judge/Special Judge (POCSO Act), Court No. 3, District Amroha, in S.C.C. Revision No. 03 of 2021, CNR No. UPJB010009842021, (Krishan Kumar Bansal Vs. Hafiz Ahmad Husain) and judgment & order dated 28.01.2021 passed by the J.S.C.C./Civil Judge (S.D.), Amroha in S.C.C Suit No. 6 of 2012 (Hafiz Ahmad Husain Vs. Krishan Kumar Bansal). By the aforesaid orders, the petitioner is directed to vacate the shop in question.

2. In the supplementary affidavit filed by the petitioner, it is stated in paragraph 3 that the he will vacate the shop in question with a period of one year and handed over the possession of the shop in question to the respondent.

3. In view of the undertaking given by the petitioner, this petition is disposed of directing the petitioner to vacate the shop in question from the date of filing supplementary affidavit, i.e, 30.10.2024. and file affidavit within two weeks from today before the Court of J.S.C.C./Civil Judge (S.D.), Amroha to the effect that he will vacate the premises on or before 30.10.2024 and deposit the entire decretal amount as per the judgements and orders dated of the Court below within a period of six weeks from today, if

already not deposited and the balance rent, if any remains.

5. The petitioner is also directed to deposit the month rent from December, 2023 till October, 2024 on or before the seventh of each month or for the period till he vacate the premises before October, 2024.

6. The Court below is directed to release the aforesaid amount in favour of the respondent-landlord without seeking any security.

7. Till October, 2024 or till the time he vacate the premises, whichever is earlier, no coercive action will be taken against the petitioner.

8. However, it is clarified that in the event of default in compliance of any directions issued hereinabove, the interim protection granted under this order shall cease to operate and the landlord-respondent will be at liberty to get the decree executed in accordance with law.

Order Date :- 22.11.2023

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