

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 11343 of 2023

Petitioner :- Ramesh Chandra Chaurasiya

Respondent :- Harikrishna Sahu

Counsel for Petitioner :- Ashok Gupta, Akash Kishan

Counsel for Respondent :- Rakesh Kumar

Hon'ble Prakash Padia, J.

1. The present petition has been filed inter-alia with the prayer to set aside the order dated 27.09.2022 passed by Small Causes Judge/ Civil Judge (Senior Division), Banda in Small Cause Case No. 08 of 2016 (Harikrishna Sahu Vs. Ramesh Chandra Chaurasiya) as well as order dated 25.08.2023 passed by District Judge, Banda in Small Cause Revision No.30 of 2022 (Ramesh Chandra Chaurasiya vs. Harikrishna Sahu).

2. After some arguments, it is very fairly argued by the counsel for the petitioner that some considerable time be granted to the petitioner to vacate the premises. It is further argued that time till 30.04.2024 be granted to vacate the premises. It is further argued that petitioner will make the payment of entire decretal amount to the Judge Small Causes, Banda within a period of 30 days from today and he will also make the payment of regular rent on month to month basis till the time he will vacate the premises.

3. This prayer has not been opposed by Shri Rakesh Kumar, learned counsel appearing on behalf of contesting-respondent.

4. Heard counsel for the petitioner and perused the record.

5. With the consent of counsel for the parties, time till 30.04.2023 is granted to the petitioner from today to vacate the premises.

6. In the facts and circumstances of the case, without interfering with the orders passed by the courts below which are under challenged in the present petition, the present petition is **disposed of**, directing the petitioner to vacate the premises on or before 30.04.2024 with the following conditions:-

(i) Defendant-petitioner is directed to file an affidavit within three weeks from today before **Judge Small Causes, Banda** that he will

vacate the house in question within the time given by the Court;

(ii) Defendant-petitioner is directed to deposit all decretal amount within one month from today before **Judge Small Causes, Banda**. In case, any amount is already deposited, same shall be adjusted against the decretal amount;

(iii) Defendant-petitioner is also directed to pay regular rent of house in question on month to month basis on or before 20th day of each month till the vacation of house in terms of first two conditions;

(iv) It is made clear that the amount so deposited will be released in favour of the plaintiffs-respondents (landlord) without furnishing any security.

(v) In case of failure of fulfillment of any conditions so imposed by the Court, this order would lost the effect and plaintiffs-respondent is at liberty to proceed against the defendant- petitioner in accordance with law.

7. With the aforesaid observations, petition is **disposed of**.

8. It is made clear that no liberty is given to the petitioner to file fresh petition for the very same cause of action.

Order Date :- 7.11.2023

Swati