

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10474 of 2023

Petitioner :- Jafir Husain

Respondent :- Smt. Anis Fatma And 3 Others

Counsel for Petitioner :- Pavan Kumar

Hon'ble Prakash Padia,J.

1. The petitioner has preferred the present petition inter-alia with the prayer to set aside the judgment and order dated 02.09.2023 passed by the Additional District and Sessions Judge (Court No. 1), Bijnor in Rent Control Appeal No. 01 of 2015 (Jafir Husain vs. Smt. Anis Fatma (since deceased) and others) as well as the impugned judgment and order dated 21.02.2015 passed by the Civil Judge, Junior Division/ Prescribed Authority, Najibabad, District Bijnor in Suit No. 07 of 2011 (Smt. Fatma Ansari and another vs. Jafir Husain) under Section 21(1)(A) of the U.P. Urban Building Regulation of Letting Rent and Eviction) Act, 1972.

2. After going through the aforesaid orders and after hearing counsel for the petitioner, the Court is of the prima facie opinion that cogent findings were recorded by the court below while passing the aforesaid judgments. It further reveals from perusal of the pleadings that nothing has been brought on record that how and in what manner the orders passed by the court below are illegal and arbitrary.

3. After certain arguments advance by the counsel for the petitioner-defendant, a prayer has been made by him that some time be granted to the petitioner to vacate the premises.

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

5. Since a prayer has been made by the counsel for the petitioner to grant some more time to vacate the premises, in the interest of justice, six months time is granted to the petitioner to vacate the premises.

6. In the facts and circumstances of the case, without interfering with the orders passed by the court 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

15.04.2024 with the following conditions:-

(i) Defendant-petitioner is directed to file an affidavit within two weeks from today before **Additional District and Sessions Judge (Court No. 1), Bijnor** 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 three weeks from today before **the competent court**. In case, any amount is already deposited, same shall be adjusted against the decretal amount;

(iii) Defendant-petitioner is also directed to pay 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) In case of failure of fulfillment of any conditions so imposed by the Court, this order would lost the effect and plaintiff-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 :- 12.10.2023

Swati