

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10669 of 2023

Petitioner :- Saleem Ahmad

Respondent :- Satish Kumar And 6 Others

Counsel for Petitioner :- Mohd. Ayub

Counsel for Respondent :- Sumit Daga

Hon'ble Prakash Padia,J.

1. The present petition has been filed challenging the order dated 30.08.2023 passed by Additional District Judge, Court No.14 Muzaffar Nagar in Khafifa Revision No.18/2017 (Saleem Ahmad Vs. Satish Kumar and others) and order dated 16.09.2017 passed by the Civil Judge (J.D.) Budhana Muzaffar Nagar in Khafifa Case No.19 of 1990 (Satish Kumar & Ors Vs. Abdul Rahim). Further prayer is made to restrain the respondents from interfering in the peaceful possession of the petitioner/tenant in shop in question having shop no.269 situated at Budhana Muzaffar Nagar in dispute.

2. The facts in brief as contained in the petition are that father of the petitioner Abdul Rahim was tenant of shop No.269 situated at Budhana @ Rs.16.44/- per month including taxes. After his death petitioner became a tenant and started running his shop peacefully. The Suit No.19 of 1990 was filed by the landlord namely Satish Kumar against the father of the petitioner on 04.07.1990 stating therein that rent was not paid properly to the landlord. The allegations were also made in the plaint regarding subletting and alteration over the shop in question. It is further stated in the petition that the entire rent along-with other taxes were deposited by the petitioner.

3. After written statement was filed in the aforesaid suit, the trial court allowed the suit for eviction filed by the respondents-

landlord vide its judgement and order dated 16.09.2017.

4. Aggrieved against the aforesaid Revision No.18 of 2017 was filed by the petitioner. In the aforesaid revision application No.9-Ga was also filed to stay the effect and operation of the order dated 16.09.2017 on which objections were called for. The revision filed by the petitioner was dismissed by the revisional court vide its judgement and order dated 30.08.2023. Aggrieved against the aforesaid petitioner has filed the present petition. It is argued that the order passed by both the courts below are perverse and liable to be set aside.

5. On the other hand it is argued by Shri Sumit Daga, learned counsel for the respondents that both the orders passed by the court below are absolutely perfect and valid order and does not call for any interference.

6. In response to the same, it is argued by counsel for the petitioner that the petitioner will vacate the premises within a period of one year and also make the payment of decretal amount as well as make the payment of regular rent by 7th of each month.

7. The aforesaid prayer made by the counsel for the petitioner was not objected by the counsel for the respondents.

8. In this view of the matter as agreed between the parties, without interfering with the orders, which are under challenged in the present petition, the present petition is disposed of finally directing the petitioner to file an affidavit in the court of Additional District Judge, Court No.14, Muzaffar Nagar, within a period of four weeks from today that he will vacate the premises on or before 31.10.2024 and also make payment of rent regularly by 7th of each month starting from November, 2023.

9. In so far as arrears, if any, are concerned, the same may be

deposited within four weeks from today in the court below.

10. The court below will release all the deposits in favour of the landlord without asking for any security.

11. Accordingly, present petition is disposed of in terms of the direction as stated above.

12. 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 :- 17.10.2023

Pramod Tripathi