

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10931 of 2023

Petitioner :- Subhashchand Jain

Respondent :- Gaurav Goyal

Counsel for Petitioner :- Varun Dev Sharma

Hon'ble Prakash Padia,J.

1. The petitioner has preferred the present petition with the prayer to direct the Judge Small Cause Court, Meerut to decide the Misc. Application no. 37 of 2022 (Gaurav Goal Vs. Subhashchand Jain) Under Order 9 rules 13 read with Section 151 of C.P.C. in SCC Suit No.12/2020 (Subhashchand Jain Vs. Gaurav Goal) expeditiously.

2. It is argued by learned counsel for the petitioner that the petitioner is the owner and landlord of Private Shop no. 168TA and 168 TB M/S Shri Devi Sharan Pramod Kumar, which is part of House no. 168/169 situated at Sadar Jang Bazar near Svaraj Path, Meerut Cant and the defendant-respondent is tenant of the Private Shop No. 168TA and Private Shop No. 168TB. It is argued that the petitioner has filed SCC Suit No. 13/2020 (Subhashchand Jain Vs. Gaurav Goal) under Section 20 of the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act , 1972 (In short, U.P. Act No. 13 of 1972) for eviction of the tenant from Shop No.168TB before Judge Small Cause Court, Meerut on 18.02.2020. It is argued that the aforesaid suit was decreed in favour the petitioner ex-parte vide its judgement and decree dated 31.11.2021. Thereafter the petitioner filed Execution Case No.7 of 2022 (Subhashchand Jain Vs. Gaurav Goal) before the Court below. Thereafter, respondent filed Misc. Application no. 37 of 2022 (Gaurav Goal Vs. Subhashchand Jain) Under Order 9 rules 13 read with Section 151 of C.P.C. for recalling the ex-parte order dated 31.11.2021 in the aforesaid suit. It is argued by learned counsel for the petitioner that though the aforesaid application has been filed by the responder under the provisions of C.P.C. but he could not comply with the

provisions of Section 17 of the Provincial Small Causes Court Act, 1887. It is argued that the petitioner is aged about 72 years old and prays for expeditious disposal of the application

3. In the special facts and circumstances of the case, this Court is of the opinion that a direction should be given to the Court below to decide the matter expeditiously.

4. In view of the above, the present petition is disposed of directing the Court below to decide the matter most expeditiously and preferably within a period of four months from the date of production of certified copy before the Court below strictly in accordance with law without granting any unnecessary adjournment to either of the parties unless there is no legal impediment.

Order Date :- 27.10.2023

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