

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 12367 of 2023

Petitioner :- Ashok Kumar Gupta And 2 Others

Respondent :- Sarita Devi @ Meena Devi And Another

Counsel for Petitioner :- Satish Kumar Pandey

Hon'ble Prakash Padia,J.

1. Mr. Mohd. Waseem, learned counsel put up his appearance on behalf of respondents, he is permitted to file his vakalatnama in the registry within 24 hours.

2. It is admitted between the counsel for the parties that the statutory appeal filed by the petitioners as per Section 35 of the Uttar Pradesh Regulation of Urban Premises Tenancy Act, 2021 is still pending consideration before the Rent Tribunal and along-with statutory appeal, stay application has also been filed but till date no decision has been taken on the same. On the other hand in the execution proceedings, the orders were passed for eviction of the petitioners from premises in question.

3. In this view of the matter and with the consent of counsel for the parties, the present petition is disposed of finally, directing the Rent Tribunal before whom the appeal filed by the petitioners is pending to pass appropriate orders on the stay application strictly in accordance with law within a period of **four weeks** from today.

4. Till 15.01.2024 or till the time the order is passed on the aforesaid stay application whichever is earlier, no coercive action shall be taken against the petitioners.

5. Since the counsel for the defendant in the appeal has also put up his appearance before this Court, it is made clear that he will also put up his appearance before the rent tribunal in the pending appeal and in this regard also no further steps are liable to be taken by the appellate tribunal for service of notice on the defendant in the said appeal.

Order Date :- 5.12.2023

Swati