



2024:UHC:9975

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMS No.2365 of 2021 with WPMS No.2366 of 2021 WPMS No.2370 of 2021 <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. D.C.S. Rawat, Advocate for the petitioners. Mr. Rajendra Dobhal, Senior Advocate, assisted by Mr. Shubhang Dobhal, Advocate for the respondents. 2. Since common questions of law and fact are involved in these writ petitions, therefore they are heard together and are being decided by a common judgment. However, for the sake of brevity, facts of Writ Petition (M/S) No.2365 of 2021 alone are being considered and discussed. 3. This is tenants' petition under Article 227 of Constitution, challenging the judgment & order dated 03.10.2019 passed by Prescribed Authority/Civil Judge (Senior Division), Kotdwar, District Pauri Garhwal in Rent Control Case No.09 of 2017. By the said judgment, the Release Application filed by respondent/landlord under Section 21 (1)(a) of U.P. Act No.13 of 1972 was allowed and petitioners were asked to handover vacant possession of the house in question to the landlord, within 30 days. Petitioners challenged the said judgment in Rent Control Appeal No.77 of 2019, which was dismissed by learned Additional District Judge, Kotdwar, District Pauri Garhwal vide judgment & order dated 10.09.2021. Challenging



			these two judgments, petitioner has approached this Court. 4. After arguing for a while, learned counsel for the petitioners submitted that petitioners are ready to vacate the premises in question, provided three years time is given to them for this purpose. 5. Learned Senior Counsel for the respondents submits that he has no objection, if some reasonable time is given to petitioners, provided they pay the rent as per interim order of this Court and also give an undertaking that they will vacate the premises immediately upon expiry of time fixed by this Court. 6. In such view of the matter, the writ petitions are disposed of with the following directions: (i) Petitioners shall file an undertaking in the shape of affidavit before the Prescribed Authority that they will vacate the premises in question on or before 31.12.2026. Such affidavit shall be filed by them, positively within three weeks from today. (ii) Till 31.12.2026, petitioners shall pay ₹4,000/- per month as rent to the respondent, effective from January, 2025. (iii) Petitioners shall not sublet the property to anyone else, nor make any structural changes in the building in question, without written permission of the landlord. (iv) In the event of breach of any of the
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aforesaid conditions by petitioners, then they shall be liable to be evicted forthwith from the premises in question and they shall not be entitled to protection of this order.

(Manoj Kumar Tiwari, J.)

27.12.2024

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