



2025:UHC:11557

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CLR No. 83 of 2024</u> <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Piyush Garg, learned counsel for the revisionist. 2. Mr. B.S Parihar and Mr. Kundan Singh, learned counsel for the respondent. 3. The instant civil revision has been preferred by the revisionist/defendant against the judgment and decree dated 29.07.2024 passed by Judge Small Causes Court/District Judge, Nainital, in SCC Suit No. 22 of 2022 'Hari Singh Bagdwal vs. Hari Shankar Gupta'. 4. On the previous date learned counsel for the revisionist was directed to get the instructions within how much period he will vacate the shop in question and the matter was posted for yesterday and the revisionist as well as the respondent were present in person. On their request now the matter is posted for today. 5. As per the order sheet earlier also the matter was referred to the mediator but the mediation failed. 6. Today, the revisionist as well as the respondent/plaintiff is present with his son and daughter. Learned counsel for the revisionist proposes that since the petitioner's son is pursuing B.tech course and still five semesters are there and the shop which he is running is the only source of income, therefore, reasonable time of three years may be given to him to vacate the shop in question. Mr. Piyush Garg apprise to this court that the rent uptill November, 2025 has already been deposited before the concerned Trial Court and he has supplied the copy of the challan to the learned counsel for the respondent. In such view of the matter, the liberty is given to the respondent/plaintiff to move an application before the concerned Trial Court for withdrawal of the amount towards the arrear of rent and if such an application is moved the concerned Trial Court is directed to release the amount forthwith.



		7. Admittedly, there is no dispute about the landlord and the tenant and admittedly the respondent/plaintiff is the landlord and the revisionist is the tenant. The proposal of the revisionist seeking three years' time to vacate the shop appears to be unreasonable; however, learned counsel for the respondent proposes that 2½ years time be given to the revisionist to vacate the shop subject to this condition that for the last six months the revisionist shall pay monthly rent at the rate of Rs. 15,000/- per month. The proposal as submitted by the learned counsel for the respondent is accepted by the revisionist in the presence of his counsel. 8. In such view of the matter, since the revisionist is now ready to vacate the shop in question the present civil revision is disposed of finally with the direction to the revisionist to vacate the shop in question on or before 30.06.2028. 9. It is made clear that the revisionist shall pay regular monthly rent at the rate of Rs. 10,000/- per month for two years and for last six months from January, 2028 to June, 2028 he shall pay monthly rent at the rate of Rs. 15,000/- per month. 10. It is further made clear that the revisionist shall file an undertaking positively within two weeks before the concerned Trial Court and if the revisionist fails to vacate the shop within the aforesaid period the decree shall come in force forthwith and the executing court is directed to take immediate steps to vacate the shop in question. (Rakesh Thapliyal, J.) 24.12.2025 PR
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