2026:AHC:208392

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 14047 of 2026

Shri Sumer Chand

.....Petitioner(s)

Versus

Shri Satendra Kumar Maheshwari

.....Respondent(s)

Counsel for Petitioner(s) : Sudeep Harkauli
Counsel for Respondent(s) :

Court No. - 35

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

Heard Sri Sudeep Harkauli, learned counsel for the petitioner.

The present petition has been filed primarily raising a grievance that although Rent Control Misc. Appeal No. 226 of 2026, preferred by the petitioner-tenant under Section 22 of the U.P. Act No. 13 of 1972 against the order granting release in favour of the respondent-landlord in P.A. Case No. 71 of 2020, has been admitted and directed to be registered vide order dated 19.08.2026, no order has yet been passed on the application for interim relief filed along with the appeal.

It is submitted that the aforesaid appeal arises from the order dated 04.08.2026, whereby the application filed by the respondent-landlord under Section 21(1)(a) and (b) of the U.P. Act No. 13 of 1972 has been allowed and the petitioner has been directed to vacate and hand over possession of the premises in question within a period of two months from the date of the said order, failing which the respondent-landlord has been held entitled to obtain possession thereof.

It is pointed out that the appeal was accompanied by an application seeking interim relief, supported by an affidavit setting out the urgency for grant of protection and the prejudice and irreparable injury likely to be caused to the petitioner in the event the order impugned is acted upon during pendency of the appeal.

Learned counsel for the petitioner submits that, despite the appeal having been listed on a number of dates, consideration of the stay application has

not taken place and the matter has been adjourned from time to time. It is submitted that such delay, particularly in view of the direction for delivery of possession contained in the order under challenge, is causing serious prejudice to the petitioner and, if continued, may render the statutory remedy of appeal substantially ineffective.

Having regard to the order proposed to be passed, issuance of notice to the private respondent is dispensed with.

The Court has considered the submissions made on behalf of the petitioner. The appeal preferred by the petitioner under Section 22 of the U.P. Act No. 13 of 1972 has already been admitted and directed to be registered. The application for interim relief filed therein is, therefore, required to be considered by the appellate court in accordance with law. At the same time, the order under challenge contains a specific direction requiring the petitioner to vacate and hand over possession of the premises within a stipulated period, and the period so prescribed is capable of expiring before the appellate court is able to consider the application for interim relief. In such circumstances, if the petitioner were to be dispossessed before the stay application is considered, the very subject matter of the pending appeal may undergo a material change and the statutory remedy of appeal may, for all practical purposes, be rendered substantially ineffective.

The limited protection proposed to be granted is intended only to preserve the subject matter of the appeal until the application for interim relief is considered by the competent appellate court. Such protection, in the circumstances noticed above, would ensure that the petitioner is not subjected to the consequence of the order under challenge merely on account of the intervening delay in consideration of the pending stay application. No opinion is being expressed on the merits of the appeal or on the entitlement of either party to the relief claimed therein.

In view of the aforesaid circumstances, and without expressing any opinion on the merits of the case, the present petition is disposed of with a direction to the learned District Judge, Agra, to consider and decide the application for interim relief filed in Rent Control Misc. Appeal No. 226

of 2026, in accordance with law, by a reasoned and appropriate order, as expeditiously as possible and, preferably, within a period of four weeks from the date of production of a certified copy of this order.

For a period of six weeks from today, or until an order is passed on the application for interim relief by the learned District Judge, Agra, whichever is earlier, the petitioner shall not be evicted from the premises in question pursuant to the order dated 04.08.2026.

It is clarified that the protection granted herein shall not be construed as an expression of any opinion on the merits of the appeal or on the merits of the application for interim relief. The learned District Judge, Agra, shall consider the application independently and in accordance with law.

(Dr. Yogendra Kumar Srivastava,J.)

October 6, 2026
Imroz

Digitally signed by :-
MOHAMMAD IMROZ KHAN
High Court of Judicature at Allahabad