

Sagir Ahmed

Vs

IV Additional District Judge, Agra and Others

Civil Appeal No. 1521 of 1981

(R.S. Pathak, Baharul Islam JJ)

24.04.1981

JUDGMENT

PATHAK, J. -

1. Special leave granted.
2. Heard learned counsel for the parties. The judgment dated October 1, 1980 made by the High Court does not consider the proviso to Section 21(1) of the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972. The consideration of the proviso was mandatory because the High Court was making an order for ejectment of the tenant on an application made by the landlord under Section 21(1)(a) of the Act. It is not necessary for us, however, to send the case back to the High Court for this purpose as learned counsel for the parties are agreed before us that in accordance with the proviso the appellant should be entitled to compensation in an amount equivalent to two years' rent. The judgment of the High Court is modified accordingly. Further, learned counsel for the parties are agreed, and we order, that appellant shall not be evicted from the premises for a period of six months from today provided the appellant furnishes an undertaking to the Registrar of this Court within two weeks from today that he will hand over vacant and peaceful possession to the respondent-landlord on the expiry of the said period and will not induct any other person or otherwise part with possession of the premises. If the undertaking is not furnished within two weeks from today or any of the above conditions is violated, this order granting time to vacate the premises shall stand vacated.
3. There will be no order as to costs.

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