

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
		30.08.2024	<p>WPMS No.2336 of 2024 <u>Hon'ble Vivek Bharti Sharma, J.</u></p> <p>Mr. Vikas Kumar Guglani, Advocate for the petitioner.</p> <p>2. Mr. Sanpreet Singh Ajmani, Advocate for the respondents through V.C.</p> <p>3. Learned counsel for the petitioner/tenant would submit that this is the petition against the judgment/order dated 10.07.2024 passed by the learned District Judge, Nainital in Rent Control Appeal No.18/2023 as well as the judgment/order dated 08.08.2023 passed by Prescribed Authority/Civil Judge (J.D.), Haldwani, District Nainital in Rent Control Case No.5/2017, whereby the release application filed by the respondents/landlords under Section 21(1)(a) of <i>Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972</i> for eviction of the petitioner/tenant on the ground of bonafide need has been allowed.</p> <p>4. He would further submit that it had come on record before the Prescribed Authority that the respondent/landlords have a number of shops in the same vicinity, one of which they sold during the pendency of case before the Prescribed Authority and this fact was not denied by the respondents/landlords thereat.</p> <p>5. Learned counsel for the respondents/landlords, per contra, would vehemently oppose the present petition on the</p>

ground that this is a writ petition against the concurrent findings of the courts below and the scope of writ petition under Article 227 of Constitution of India is very limited.

He, however, would fairly admit that during the pendency of proceedings before the Prescribed Authority, respondents/landlords had sold one shop but that would not have any effect in the present proceedings for the reason that the respondents/landlords bonafidely required the shop in question for one of his grandson in order to build the staircase at that space.

6. In the opinion of this Court, this matter needs deliberation.

7. Admit.

8. Counter affidavit to be filed within four weeks.

9. List on 24.12.2024.

10. Till further orders, the effect and operation of *impugned judgments and orders dated 10.07.2024 and 08.08.2023* shall remain stayed.

11. Stay Application IA No.1/2024 is disposed of.

(Vivek Bharti Sharma, J.)
30.08.2024