
Girish Kumar Vs Prescribed Authority/Judge Small Causes Court and Others

C.M.W.P. No. 52879 of 2010

Court: Allahabad High Court

Date of Decision: Aug. 30, 2010

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Rules, 1972 " Rule 15(3)

Hon'ble Judges: Rakesh Tiwari, J

Bench: Single Bench

Advocate: Siddharth, for the Appellant;

Judgement

@JUDGMENTTAG-ORDER

Rakesh Tiwari, J.

Heard counsel for the parties and perused the record.

2. The Petitioner has filed this writ petition for a direction to Respondent No. 1, the Prescribed Authority/Judge Small Causes Court, Meerut to

decide P.A. Case No. 40 of 2003 Girish Kumar v. Pawan Kumar Gupta and Anr. within a time bound frame fixed by this Court.

3. According to the Petitioner, from 14.12.2004 the dates for hearing of the case is being fixed but for some reasons or other the case is not being

decided, hence the instant writ petition with the aforesaid prayer.

4. If a party is frequently taking dates after dates to delay dispensation of justice there has to be a limit to such tactics adopted by a party. The

Courts are not expected to be a party to such tactics by readily giving adjournments in cases just for the asking. The J.S.C.C. suits are required to

be decided within six months as provided in the Small Causes Courts Act, 1887 and within three months by the Prescribed Authority appointed

under the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (U.P. Act No. XIII of 1972). Frequent dates

should not be given. The Courts have a responsibility to decide the case within the time which has been fixed by the legislation in its wisdom and

they have to strive to decide the cases in the time limit so fixed. If they do not do so, it sets a bad precedent opening the Pandora's box for public

criticism. Delay erodes the faith of the public in justice system, hence care should be taken in this regard by the Courts.

5. This Court in Civil Misc. Writ Petition No. 31642 of 2007 Smt. Manju Devi v. Additional District Judge, VIII Allahabad and Ors. 2007 (4)

AWC 3403 has held that the cases pertaining to Rent Control matters be decided within six months time frame provided in various sections and

rules under which applications are filed.

6. Rule 15(3) of U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Rules, 1972 provides that release application may be decided

within a period of two months from the date of its presentation. It appears that the release application of the Petitioner is pending before the court

below for the last more than 7 years. In the circumstances, Respondent No. 1 is directed to follow the law strictly and decide the release

application within the time prescribed by law. The ratio laid down in the case of Manju Devi (supra) would also apply to the release application as

time limit has been prescribed for deciding the release applications.

7. In this view of the matter, the observations made by this Court in the case of Manju Devi (supra) may also be kept in mind by the courts below.

8. Without entering into the merits of the case and in view of the fact that P.A. Case No. 40 of 2003 Girish Kumar v. Pawan Kumar Gupta and

Anr., is pending before the court below for the last 7 years, the writ petition is disposed of finally with a direction to the court below to decide the

aforesaid P.A. Case No. 40 of 2003 within a period of 2 months as provided under Rule 15 (3) of U.P. Urban Buildings (Regulation of Letting,

Rent and Eviction) Rules, 1972, from the date of production of a certified copy of this order.

No order as to costs.