

Court No. - 51

Case :- CIVIL MISC REVIEW APPLICATION No. - 313 of 2024

Applicant :- Randhir Kumar Pandey

Opposite Party :- Sri Purushottam Das Maheshwari

Counsel for Applicant :- In Person

Hon'ble Neeraj Tiwari,J.

1. Heard Sri Randhir Kumar Pandey applicant/petitioner in person and Ms. Rama Goel Bansal, learned counsel for respondent.

2. Present review application has been filed against the judgment and order dated 08.05.2024 passed in Matters Under Article 227 No. 3034 of 2024. Earlier Matters Under Article 227 No. 3034 of 2024 was filed with following prayer:-

"(i) to issue an order or direction to set aside Impugned Order dated 17.11.2023 passed by the Additional District Judge, Court No. 26, Kanpur Nagar in Rent Appeal No. 41 of 2008 (Randhir Kumar Pandey vs. Purushottam Das Maheshwari) as well as the Impugned Order dated 25.02.2008 passed by the Prescribed Authority/Additional Civil Judge (J.D.), Court No. 2, Kanpur Nagar in Rent Case No. 72 of 2001 (Purushottam Das vs. Randhir Kumar Pandey)."

3. Matters Under Article 227 No. 3034 of 2024 was heard at length on 08.05.2024 and the Court was inclined to dismiss the writ petition on merits, an statement was made by Mr. D.P. Singh, learned Senior Counsel assisted by Sri Ghan Shyam, learned counsel appearing for petitioner that petitioner does not want to contest the petition on merits, but one year time may be granted to vacate the shop in question. This Court has accepted the request so made and accordingly dispose of the petition vide order dated 08.05.2024 with certain conditions directing the petitioner to vacate the shop in question. Order dated 08.05.2024 passed in Matters Under Article 227 No. 3034 of 2024 is quoted below:-

"1. Heard Sri D.P. Singh, learned Senior Counsel, assisted by Sri Ghan Shyam, learned counsel for the petitioner and Ms. Rama Goel Bansal, learned counsel for the respondents.

2. Present petition has been filed challenging the order dated 17.11.2023

passed by Additional District Judge, Court No. 26, Kanpur Nagar in Rent Appeal No. 41 of 2008 and order dated 25.02.2008 passed by the Prescribed Authority/Additional Civil Judge (J.D.), Court No. 2, Kanpur Nagar in Rent Case No. 72 of 2001.

3. After detail argument, Sri D.P. Singh, learned Senior Counsel, assisted by Sri Ghan Shyam, learned counsel for the petitioner submitted that he does not want to contest this petition on merits, but considering this fact that petitioner is tenant of the shop in question since long, he may be granted one year time to vacate the same.

4. Ms. Rama Goel Bansal, learned counsel for the respondent has no objection to the submission raised by learned Senior Counsel, but he submitted that petitioner may be directed to submit affidavit to deposit the entire decretal amount and pay rent @ Rs. 5,000/- on month to month basis till the vacation of shop in question.

5. I have considered the rival submissions raised by learned counsel for the parties.

6. Considering the fact that petitioner is tenant of the shop in question since long, he is granted one year time to vacate the same from today with following condition;

(i) Petitioner is directed to file affidavit within two weeks from today before Prescribed Authority/Additional Civil Judge (J.D.), Court No. 2, Kanpur Nagar to vacate the shop in question within the time given by the Court;

(ii) Petitioner is directed to deposit all decretal amount within four weeks from today before Prescribed Authority/Additional Civil Judge (J.D.), Court No. 2, Kanpur Nagar. In case, any amount is already deposited, same shall be adjusted against the decretal amount;

(iii) Petitioner is also directed to pay rent of shop in question @ Rs. 5,000/- on month to month basis on or before 7th day of every month till the vacation of shop in question in terms of first two conditions;

(iv) In case of failure of fulfillment of any conditions so imposed by the Court, this order would lost the effect and respondent shall be at liberty to proceed against the petitioner in accordance with law.

7. With the aforesaid observations, petition is disposed of.

8. It is made clear that no liberty is given to the petitioner to file fresh petition for the very same cause of action. "

4. Petitioner-in-person submitted that present review application has been filed on the ground that he has never given any instruction to Sri D.P. Singh, Senior Advocate not to contest the petition on merits, but beyond that, he has given statement. Apart that, petitioner has made serious allegations at the bar against Sri D.P. Singh, Senior Advocate without supported with any affidavit. He has also made vague allegations at the bar

against Sri Atul Dayal, Senior Advocate who has contested his earlier Writ-A No. 14450 of 2022, which was decided in his favour.

5. Ms. Rama Goel Bansal, learned counsel for the respondent submitted that shop in question was given to the petitioner on rent prior to the year 1950 and based upon bonafide need, Rent Case No. 72 of 2001 was filed under Section 21(1)(a) of Uttar Pradesh Urban Building (Regulation of Letting Rent and Eviction) Act, 1972 (hereinafter referred to as 'Act, 1972'), which was allowed vide order dated 25.02.2008. Against that order, Rent Appeal No. 41 of 2008 was filed, which was rejected vide order dated 31.05.2022. Thereafter, petitioner has preferred Writ-A No. 14450 of 2022 against order dated 31.05.2022, which was allowed vide order dated 22.09.2022 and matter was remanded back to pass fresh order. Matter was again heard and rejected by Appellate Court vide order dated 17.11.2023. Against order dated 17.11.2023, present Matters Under Article 227 No. 3034 of 2024 has been filed. She further submitted that after hearing counsel for the parties at length, when this Court was inclined to dismiss the writ petition, at this stage, an statement was given by the learned Senior Counsel appearing for petitioner, upon which, Court has disposed of the petition along with certain conditions granting one year time to the petitioner to vacate the shop in question.

6. She further pointed out that in written submissions filed by the petitioner-defendant before the Appellate Court, there are serious allegations against counsels for plaintiff, District Judge and many other Judges of the Kanpur Nagar Judgeship not supported with any affidavit.

7. As there was serious allegations made against Mr. D.P. Singh, learned Senior Counsel, therefore on the instruction of Court, he has appeared before the Court and submitted that under the instruction of assisting counsel Mr. Ghan Shyam, he had made statement that one year time may be given to the petitioner to vacate the shop in question. He also submitted that petitioner went to his chamber/residence and misbehaved with him.

8. Sri Atul Dayal, Senior Advocate has also appeared before the Court and made serious complaints against the behaviour of petitioner and submitted that due to this reason he has refused to contest his case.

9. I have considered submissions made by petitioner/applicant in person, Ms. Rama Goel Bansal, learned counsel for respondent and perused the records of review application as well as Matters Under Article 227 No. 3034 of 2024.

10. Once again I have gone through the impugned orders dated 17.11.2023 & 25.02.2008, which was under challenge in Matters Under Article 227 No. 3034 of 2024 and found no infirmity or illegality in the same, therefore, there is no scope to review the order dated 08.05.2024.

11. Apart that, Mr. D.P. Singh and Mr. Atul Dayal are designated Senior Advocates of this Court having a very high reputation, therefore, such allegations against them without any substance are very unfortunate and uncalled for.

12. Further, in written submissions filed by the petitioner-defendant before the Appellate Court, there are serious allegations against counsels, District Judge and many other Judges of the Kanpur Nagar Judgeship, which is also not getting support from any affidavit is nothing but an attempt to maligning the reputation of Institution.

13. Considering the serious health issues of petitioner and his age i.e. 77 years, this Court restrains itself to initiate criminal contempt proceeding against him, but ground so taken by him in the review application is very vague and filing of such review application is gross misuse of process of law, therefore, review application lacks merits and is accordingly **dismissed** with cost of **Rs. 1 lakh**, which the petitioner shall deposit before the Registrar General of the High Court within a period of 15 days from today. On deposit of such cost, it shall be transmitted to the account of High Court Legal Services Committee. If the petitioner fails to deposit the cost, the Registrar General of the High Court shall inform the District Magistrate / District Collector, Kanpur Nagar for recovery of the said amount as arrears of land revenue and after recovering the said amount, it shall be transmitted to the Registrar General of the Court for depositing in the account of Allahabad High Court Legal Services.

14. Copy of this order be sent to Registrar General of this Court for immediate compliance.

Order Date :- 29.7.2024

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