

**Court No. - 19**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 1847 of 2019

**Petitioner :-** Atulveer Jain

**Respondent :-** Raj Kumar Gupta

**Counsel for Petitioner :-** Akhank Kumar Jain

**Counsel for Respondent :-** Swapnil Kumar

**Hon'ble Manoj Kumar Gupta,J.**

The instant petition is directed against the concurrent findings recorded by the courts below regarding bonafide need and comparative hardship in favour of the respondent-landlord in proceedings under Section 21 (1) (a) of U.P. Act No.13 of 1972. The courts below have found the need of Raj Kumar Gupta to be genuine and bonafide.

Raj Kumar Gupta is an Advocate and tenanted premises was required by him for opening his Chamber therein.

After some argument, counsel for the petitioner very fairly concedes that he is not in a position to assail the concurrent findings of facts recorded by the courts below on the above two issues. He, however, submitted that the petitioner may be granted one year time to vacate, to which learned counsel for respondent Sri Swapnil Kumar has no objection.

Accordingly, without interfering with the impugned orders, the petition is disposed of by providing one year time to the petitioner to vacate, provided he files an undertaking before the Prescribed Authority within three weeks that he would handover vacant possession on or before expiry of one year from today without any let or hindrance and also pays rent at the rate of Rs.500/- per month for the entire period of one year in advance within four weeks, failing which the protection granted herein above shall stand vacated automatically and it shall become open to the respondent-landlord to execute the

release order. The amount, if any, deposited by the petitioner in terms of the instant order, shall be permitted to be withdrawn by the respondent-landlord without furnishing any security.

(Manoj Kumar Gupta, J.)

**Order Date :-** 14.3.2019  
AM/-