

IN THE COURT OF CIVIL JUDGE (J.D.) SOUTH, LUCKNOW
Misc. Case No. of 2020

1. Pawan Kumar Tiwari, aged about 52 years,
2. Atul Kumar Tiwari, aged about 45 years,
Both sons of late Prem Shanker Tiwari, resident of 84/276,
Katra Maqboolganj, P.S.Qaiserbagh, Lucknow.
.....Applicants

Versus

1. Sri Pratap Narayan Pandey, aged about 83 years, son of
late Ram Lakhan Pandey, resident of 86/85, Qurmi Tola,
Maqboolganj, P.S.Qaiserbagh, Lucknow.
2. Radha Krishanji Maharaj Trust, 104/7, Safdarbagh,
Qaiserbagh Lucknow through Sri Abhinav Pandey son of
late Suraj Prasad Pandey,
.....Opposite Parties

**APPLICATION UNDER SECTION 30(2) U.P. URBAN
BUILDINGS (REGULATION OF LETTING, RENT AND
EVICTION) ACT 1972 FOR DEPOSIT OF RENT**

The applicants most humbly and respectfully prays for permission to deposit the rent of his tenanted shop as per particulars furnished below:-

- | | |
|--|---|
| 1. Particulars of the building or part in respect of which the rent is deposited | House No.84/276, Katra Maqboolganj, P.S.Qaiserbagh Lucknow. |
| 2. Rate of Rent. | Rs.15/- per month |
| 3. Total amount deposited | Rs.180/-(Rupees one hundred eighty only) |
| 4. Period for which rent is deposited | 01.01.2020 to 31.12.2020
(12 months) |
| 5. The date on which the rent was last paid for which the receipt, if any, shall be filed with the | Rent upto February 2000 has already been paid to the opposite party No.1 @ Rs. 15/- per month who has issued rent |

application.

receipt upto February 2000. Thereafter rent from March 2000 to 31.12.2019 has been deposited under Order XV Rule 5 Code of Civil Procedure in SCC Suit No.154 of 1997 (Radha Krishanji Maharaj Trust v/s Prem Shanker Tiwari).

6. Whether taxes, electricity and water charges, etc., are included in the rent, if so, particulars thereof

The electricity consumption charges is excluded from the rent which is being paid by the applicants themselves and a separate electric connection is installed in the residential house.

7. The names and addresses of the alleged landlords.

1. Sri Pratap Narayan Pandey, aged about 83 years, son of late Ram Lakhan Pandey, resident of 86/85, Qurmi Tola, Maqboolganj, P.S.Qaiserbagh, Lucknow.

2. Radha Krishanji Maharaj Trust, 104/7, Safdarbagh, Qaiserbagh Lucknow through Sri Abhinav Pandey son of late Suraj Prasad.

8. The circumstances in which the rent is deposited. [Also state whether deposit is being made under sub-section (1) or sub-section(2) of Section 30.

The applicants have already paid rent of the residential premises from July 1995 to February 2000 @ Rs.15 per month to opposite party no.1 and thereafter the notice of SCC Suit No.154 of 1997 (Radha

Krishanji Maharaj Trust v/s Prem Shanker Tiwari) was served upon the predecessor of the applicants, namely, Sri Prem Shanker Tiwari. But during the pendency of the suit the father of the applicants died leaving behind him the applicants as his legal heirs and they have already been substituted in SCC Suit No.154 of 1997 and the rent from 01.01.2000 to 31.12.2019 has already been deposited in SCC Suit No.154 of 1997 (Radha Krishanji Maharaj Trust v/s Prem Shanker Tiwari through LRs) in the Court of Judge Small Causes under the provisions of Order XV Rule 5 Code of Civil Procedure.

9. Any other relevant information.

The SCC Suit No.154 of 1997(Radha Krishanji Maharaj Trust v/s Prem Shanker Tiwari through LRs) has been dismissed on 13.05.2019 in the default of plaintiff and the said suit has not been restored till day even no restoration application has been moved by the plaintiff as such the applicants have no other alternative then to deposit the rent under the provisions of Section 30(2) UP Act 13 of 1972 from 01.01.2020 onwards as the opposite party no.1 and 2 are claiming their title over the suit property and R.S.No.548 of

2000 (Pratap Narayan Pandey v/s Radha Krishanji Maharaj Trust and another) is already pending in the court of learned Civil Judge (SD) Lucknow in which the question of title is yet to be adjudicated.

Lucknow
Dated:18.02.2020

Applicants

VERIFICATION

We, the applicants do hereby verify the contents of para 1 to 9 of the application are true to our personal knowledge.

Signed and verified on this 18th day of February 2020 at Lucknow

Lucknow
Dated:18.02.2020

Applicants

(P.S.Mehra)
Advocate
Counsel for Applicants

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.....Applicants

Versus

Sri Pratap Narayan Pandey and another

.....Opposite Parties

REGISTERED ADDRESS OF THE APPLICANTS

- 1. Pawan Kumar Tiwari,**
- 2. Atul Kumar Tiwari,**

Both sons of late Prem

Shanker Tiwari, resident of

84/276, Katra Maqboolganj,

P.S.Qaiserbagh, Lucknow.

Lucknow
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Applicants

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Sri Pratap Narayan Pandey and another

.....Opposite Parties

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER SECTION 30(2)
UP ACT 13 OF 1972**

I, Pawan Kumar Tiwari, aged about 52 years, sons of late Prem Shanker Tiwari, resident of 84/276, Katra Maqboolganj, P.S.Qaiserbagh, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is applicant no.1 and elder brother of applicant no.2 himself as such he is fully conversant with the facts deposed.
2. That the applicants are tenants of House No.84/276, Katra Maqboolganj, P.S.Qaiserbagh Lucknow.
3. That the rent of the tenanted house has already been paid upto July 1995 to February 2000 @ Rs.15 per month to opposite party no.1.
4. That the applicants have already paid the rent of the tenanted house upto July 1995 to February 2000 @ Rs.15 per month to opposite party no.1 who has issued the rent receipts.
5. That now opposite party no.2 is also claiming rent of the premises in the occupation of the applicants as such the applicants are now left with no other alternative then to deposit the rent under Section 30(2) of UP Act 13 of 1972 being a bonafide tenant as well as under legal obligation to deposit the rent within time to avoid any future controversy
6. That the applicants are depositing the rent of tenanted premises from 01.01.2020 to 31.12.2020 @ Rs.15/- per month amounting Rs.180/-

and the applicants be permitted to deposit the rent in the interest of justice.

Lucknow
Dated:18.02.2020

Deponent

VERIFICATION

I, the deponent do hereby verify that the contents of para 1 to 6 of the affidavit are true to my personal knowledge.

Signed and verified on this 18th day of February 2020 at Lucknow.

Lucknow
Dated:18.02.2020

Deponent

I identify the deponent who has signed before me.

Advocate