

Group:Caveat Petition

**BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD LUCKNOW BENCH LUCKNOW**
Caveat Petition No. of 2019

1. Rajeev Kumar, aged about 62 years, son of late
N.K.Srivastava,
 2. Smt Shashi Srivastava, aged about 60 years, wife of Sri
Rajeev Kumar,
- Both residents of House No.289/323, Motinagar, P.S.Naka
Hindola, Lucknow.

.....Caveators

Versus

Ravi Ahuja, aged about 61 years, son of late Daulat Ram Ahuja,
resident of 289/323,Motinagar, P.S.Naka Hindola, Lucknow.

.....Opposite Party/Proposed Petitioner

Court Fee Paid:Rs.12.50/-

**CAVEAT PETITION UNDER SECTION 148A CODE OF
CIVIL PROCEDURE 1908 READEWITH CHAPTER XXII
RULE 5 HIGH COURT RULES 1952**

The caveators most humbly and respectfully submit as under:-

1. That the caveators have filed an application under Section
21(1)(a) of UP Act 13 of 1972 against the opposite party
for release of accomodation occupied by the opposite

party on the basis of bonafide personal need of residence before the Prescribed Authority.

2. That after considering the evidence and bonafide need and comparative hardship of the caveators the learned Prescribed Authority on 05.02.2016 allow the release application directing the opposite party to handover vacant and peaceful possession of the premises in his occupation to the caveators within 60 days.
3. That the opposite party had preferred Rent Appeal No.08 of 2016 (Ravi Ahuja v/s Rajeev Kumar and anothers) under Section 22 of UP Act 13 of 1972 against the release order dated 05.02.2016 passed by learned Prescribed Authority.
4. That the learned District Judge after admitting the rent appeal on 14.03.2016 fixed the appeal for arguments of the parties but thereafter the opposite party has adopted delaying tactics on one and other reason and ultimately the rent appeal came up for final hearing in the court of learned Special Judge (PC Act)/Additional District Judge Court No.09 Lucknow.
5. That the opposite party has preferred an application for local inspection of the premises in question which was rejected on 28.10.2016 by the learned Appellate Court against which the opposite party has preferred Writ

Petition No.28539 (RC) of 2016 (Ravi Ahuja v/s Rajeev Kumar and another) before this Hon'ble Court and this Hon'ble Court on 18.04.2018 has been pleased to dismiss the writ petition with a direction to the learned lower Appellate Authority expedite the rent appeal within a maximum period of four months from the date a certified copy of order is submitted.

6. That the caveator has submitted the certified copy of the order before the learned Appellate Authority but due to delaying tactics adopted by the opposite party the appeal could not be decided within four months and somehow now the Rent Appeal No.08 of 2016 (Ravi Ahuja v/s Rajeev Kumar and another) has been decided on 17.09.2019 by the learned Lower Appellate Authority.
7. That it is expected that the opposite party may approach before this Hon'ble Court by moving petition before this Hon'ble Court against the order dated 17.09.2019 passed by learned Special Judge (PC Act), Additional District Judge Court No.09 Lucknow (Ravi Ahuja v/s Rajeev Kumar and another).
8. That the caveator being the person interested in the matter is entitled to be heard incase any proposed petition is being submitted to appear before this Hon'ble

Court for proper adjudication of the controversy involve in the matter.

9. That the copy of proposed writ petition be served upon Sri P.S.Mehra, Advocate on behalf of caveator whose address is being given below.

PRAYER

It is, therefore, most respectfully prayed that the Hon'ble Court be pleased to direct the opposite party/proposed petitioner to supply the copy of proposed writ petition/petition, stay application and affidavit to the caveators or their counsel whose address has been given below and caveator be given opportunity of hearing.

The caveators shall ever pray for this act of kindness.

Lucknow
Dated:24.09.2019

(x)
Advocate
Counsel for Caveators

Address for Service:-
Counsel's address

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Ravi AhujaOpposite Party/Proposed Petitioner

AFFIDAVIT

I, Rajeev Kumar, aged about 62 years, son of late N.K.Srivastava, Hindu by religion, Graduate, retired pensioner resident of House No.289/323, Motinagar, P.S.Naka Hindola, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is caveator no.1 himself and husband of caveator no.2 and doing pairvee of the case as such he is fully conversant with the facts deposed.
2. That the copy of caveat petition has already been sent to the correct postal addresse of the opposite party and the postal receipt is enclosed herewith.

Lucknow
Dated:24.09.2019

Deponent

VERIFICATION

I, the deponent do hereby verify the contents of para 1 to 2 of this affidavit are true to my personal knowledge. Nothing material has been concealed. So help me God.

Signed and verified on this 24th day of September 2019 at

Lucknow

Lucknow
Dated:24.09.2019

Deponent

I identify the deponent who has signed before me.

(P.S. Mehra)
Advocate

Solemnly affirm before me on _____ at _____ AM/PM, by
deponent Rajeev Kumar, who has been identified by Sri P.S.
Mehra, Advocate.

I have satisfied myself by examining the deponent that he
has understood the contents of this affidavit which has been
readover and explain to him by me.

Oath Commissioner

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Ravi AhujaOpposite Party/Proposed Petitioner

REGISTERED ADDRESS OF CAVEATORS

- 1. Rajeev Kumar, son of late
N.K.Srivastava,**
- 2. Smt Shashi Srivastava, wife of Sri
Rajeev Kumar,
Residents of House No.289/323,
Motinagar, P.S.Naka Hindola,
Lucknow.**

Lucknow
Dated:24.09.2019

Caveators

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Lucknow

Dated:24.09.2019

(P.S. MEHRA)

Advocate

A.O.R.No.BP0409

Mob No.9415062424

Counsel for Caveators