**No. Gen/XIX/Misc/892/2025/** 1216 **Dated:** 15 **/07/2025**

From : Registrar General,
Rajasthan High Court,
Jodhpur.

To : All the District & Sessions Judges.

Sub. : Circulation of Reportable order dated 30.06.2025 passed by the High Court of Judicature for Rajasthan Bench at Jaipur in S.B. Civil Writ Petition No. 8440/2025, Dharmendra Kumar Bhardwaj V/S Ramesh Jain.

Sir,

While enclosing herewith a copy of Reportable order dated 30.06.2025 passed by the High Court of Judicature for Rajasthan Bench at Jaipur in S.B. Civil Writ Petition No. 8440/2025, Dharmendra Kumar Bhardwaj V/S Ramesh Jain, I am under direction to request you to circulate the same amongst all the Judicial Officers of the Appellate Rent Tribunals, Rent Tribunals and Judicial Officers who are hearing the eviction matters in your Judgeship for information and necessary action as directed by Hon'ble High Court in said order.

Yours sincerely,

Encl. : As above

15-7-2025

**REGISTRAR (ADMN.)**

27080
22/5/2025

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN**
**AT JAIPUR BENCH, JAIPUR**

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**S.B. CIVIL WRIT PETITION NO. 8449/2025**

Dharmendra Kumar Bhardwaj, S/o Late Shri Balkishan Bhardwaj, Agedabout62 Years, R/o Behind State Bank of India,RamdwaraMarg, Beawar, District Ajmer, (Rajasthan)

...Petitioner/Applicant

**VERSUS**

1. Ramesh Jain S/o ShriKailashchand, AgeMajor R/o Owner Manish Disposal, Behind State Bank of India, Ramdwara Marg, Beawar, District Ajmer, (Rajasthan)since deceasedthrough Legal Representatives-

1/1 Smt Sarla Jain W/olate Shri Ramesh Jain Age major
½ Shri Manish Jain S/o late Shri Ramesh Jain Age Major
1/3 Preeti Jain D/o late Shri Ramesh Jain Age Major
1/4. Pooja Jain D/o late Shri Ramesh Jain Age Major
1/5 Ruchika Jain D/o late Shri Ramesh Jain Age Major
1/6 Sonal Jain D/o late Shri Ramesh Jain Age Major

All R/o Manish Disposal, Behind State BankOf India, RamdwaraMarg, Beawar, District Ajmer, (Rajasthan)

2. Manish Jain S/o late Shri Ramesh Jain Age MajorR/o Manish Disposal,in personal capacity and as a legal representativeof Non Applicant No.1Late Shri Ramesh Jain, R/oBehind State Bank of India, Ramdwara Marg, Beawar, District Ajmer, (Rajasthan). R/o 403, Shantinath Residency, Vinod Nagar, Beawar, (Rajasthan).

.....Respondents/Non-Applicant

**S.B. CIVIL WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA**

**AND**

OATH COMMISSIONER
RAJASTHAN HIGH COURT BENCH

सही—प्रतिलिपि
प्रशासनिक अधिकारी न्यायिक
राजस्थान उच्च न्यायालय पीठ,
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**IN THE MATTER OF ARTICLES 21, 14 OF THE CONSTITUTION OF INDIA.**

**AND**

**IN THE MATTER OF SECTION 9, 19 & 19(8) OF THE RAJASTHAN RENT CONTROL ACT, 2001.**

**AND**

**IN THE MATTER OF EARLY DISPOSAL OF RENT APPEAL NO. 89/2023 PENDING BEFORE RENT CONTROL APPELLATE TRIBUNAL, AJMER TITLED AS "RAMESH JAIN & ORS VERSUS DHARMENDRA KUMAR BHARDWAJ."**

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**HIGH COURT OF JUDICATURE FOR RAJASTHAN**
**BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 8440/2025

Dharmendra Kumar Bhardwaj S/o Late Shri Balkishan Bhardwaj, Aged About 62 Years, R/o Behind State Bank Of India, Ramdwaramarg, Beawar, District Ajmer, (Rajasthan).

----Petitioner

Versus

1. Ramesh Jain S/o Shri Kailash Chand, Age Major R/o Owner Manish Disposal, Behind State Bank Of India, Ramdwara Marg, Beawar, District Ajmer (Rajasthan) Since Deceased Through Legal Representatives-

   1/1.Smt. Sarla Jain W/o Late Shri Ramesh Jain, age major

   1/2. Shri Manish Jain S/o Late Shri Ramesh Jain, age Major

   1/3. Preeti Jain D/o Late Shri Ramesh Jain, Age Major

   1/4. Pooja Jain D/o Late Shri Ramesh Jain, Age Major

   1/5. Ruchika Jain D/o Late Shri Ramesh Jain, Age Major

   1/6. Sonal Jain D/o Late Shri Ramesh Jain, Age Major

2. Manish Jain S/o Late Shri Ramesh Jain, Age Major R/o Manish Disposal, In Personal Capacity And As A Legal Representative Of Non Applicant No. 1. Late Shri Ramesh Jain, R/o Behind State Bank Of India, Ramdwara Marg, Beawar, District Ajmer (Rajasthan) R/o 403, Shantinath Residency, Vinod Nagar, Beawar (Rajasthan).

----Respondents

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For Petitioner(s) : Ms. Pranjal Moondra and
Ms. Saumya for
Mr. Veyankatesh Garg

For Respondent(s) :

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**JUSTICE ANOOP KUMAR DHAND**
**Order**

**30/06/2025**

Reportable

1. The Rent Tribunals and Appellate Rent Tribunals in the State are the judicial bodies, established under the Rajasthan Rent Control Act, 2001 (for short 'the Act of 2001'), to resolve the disputes between the tenants and landlords. The Appellate Rent Tribunal is a higher judicial authority that hears the appeal against the decision made by the Rent Tribunal. It has the power to confirm, modify or reverse the judgment passed by the Rent Tribunal.

2. The purpose of establishing the Rent Tribunal is to provide a forum of law where the tenants and the landlords can resolve their disputes in a proper and just manner. If any one of them or both of them are not satisfied by the order/judgment of the Rent Tribunal, the aggrieved party can file an appeal before the Appellate Rent Tribunal. The appellate system is an integral part of the justice delivery system which provides an opportunity to the parties to seek redressal of their grievance against the decision that is perceived to be unjust or erroneous.

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3. In the instant case, the petitioner/landlord filed an application under Section 9 of the Act of 2001 against the respondents for his eviction from the shop in question and the said application was allowed by the Rent Tribunal, Ajmer vide judgment dated 21.09.2023 and order of his eviction was passed. Aggrieved by the above impugned judgment, the tenant/respondents submitted an appeal under Section 19 of the Act of 2001 before the Appellate Rent Tribunal, Ajmer and the same is pending consideration since 2023. The appeal had been posted for final arguments on various occasions i.e.

24.01.2024, 08.02.2024, 21.03.2024, 16.04.2024, 18.05.2024, 09.07.2024, 20.08.2024, 08.10.2024, 26.11.2024, 08.01.2025, 14.02.2025, 18.03.2025 and 02.05.2025, but till date the final arguments have not been heard so far and the matter is deferred from one date to another on each and every occasion and still the appeal is lying pending for its adjudication, on merits. Hence, feeling aggrieved by such circumstances, the landlord/petitioner has approached this Court seeking direction for early disposal of the appeal filed by the tenant/respondents before the Appellate Rent Tribunal.

4. A limited prayer has been made by the landlord/petitioner in this writ petition for issuing direction to the Appellate Rent Tribunal (for short 'the Appellate Tribunal') to decide the appeal filed by the tenant/respondents against the order of eviction, expeditiously within a time frame.

5. Learned counsel for the petitioner submits that the petitioner is a senior citizen and he has filed an application under Section 9 of the Act of 2001 before the Rent Tribunal, Ajmer and the said application was allowed vide order dated 21.09.2023 by the Rent Tribunal and eviction orders were passed against the respondents. Counsel submits that aggrieved by the aforesaid order, an appeal was preferred by the respondents before the Appellate Tribunal in the year 2023 and the said appeal is pending adjudication for last more than two years. Counsel submits that appropriate directions be issued to the Appellate Tribunal to decide the pending appeal expeditiously as early as possible.

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6. Heard and considered the submissions made at Bar and perused the material available on the record.

7. This fact is not in dispute that the eviction application submitted by the petitioner against the respondents under Section 9 of the Act of 2001 was filed in the year 2019 and the same was allowed in the year 2023 i.e. on 21.09.2023 and against which an appeal has been preferred, before the Appellate Tribunal, by the respondents in the year 2023 and the same is lying pending for adjudication for last more than two years.

8. As per Section 19(8) of the Act of 2001, the Appellate Tribunal is supposed to dispose of the appeal within a period of 180 days from the date of service of notice upon the other side. In the instant case, a period of more than 188 days has already been lapsed and the appeal against the eviction order dated 21.09.2023 is still pending for its adjudication on merits.

9. Appeals under the Act of 2001 are required to be decided expeditiously. The legal framework under the Act of 2001 emphasizes the need for prompt resolution of these appeals. This ensures timely justice for landlords and tenants and curbs the prolonged uncertainty associated with the decision and final outcome of the appeal.

10. Though, timeline has been specified under the Act of 2001 for expeditious disposal of the appeal within 180 days of service of notice upon the other side, still the appeals are not decided expeditiously and deferred by the Appellate Tribunals from one date to other for indefinite time. Delays caused by the Appellate Tribunals have been criticized by this Court on

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many occasions by issuing directions for expeditious disposal of the appeals.

11. The need for prompt decision in rent control appeals stems from the nature of the cases, which often involve issues like eviction and rent disputes. Prolonged delays can cause significant hardship to both the land lords and tenants.

12. Right of speedy and expeditious disposal of the case and the appeal is one of the most valuable and cherished right of the litigant guaranteed under Article 21 of the Constitution of India. It is an integral and essential part of the fundamental right of life and liberty, enshrined under Article 21.

13. Considering the above and looking to the factual aspect of the matter and also looking to the age of the petitioner, this Court deems it just and proper to dispose of the instant writ petition with direction to the Appellate Tribunal to decide the appeal filed by the respondents/tenant expeditiously, as early as possible, preferably within a period of three months from the date of receipt of certified copy of this order.

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14. With the aforesaid observations/directions, the instant writ petition stands disposed of. Pending applications, if any, also stand disposed of.

15. Before parting with this order, this Court feels pain to observe that on many occasions this Court has found that several appeals against the orders passed by the Rent Tribunals are pending before the various Appellate Rent Tribunals for last several years and the same have been deferred from one date to another, without any justified reason, which is causing great hardship to the decree holders

who fails to enjoy the fruits of the decrees and the judgment debtor also suffers on account of long pendency of the appeal. The proceedings are dragged for a long time on one count or another. Hence, it is in the interest of both the sides that these matters should be decided expeditiously and all possible endeavours should be made by the Appellate Rent Tribunals to decide the pending appeals expeditiously within a time frame without entertaining unnecessary and unwarranted requests of adjournment of the cases from one date to another.

16. This Court is constrained to observe that the object of the Rent Laws, all over the State, is to ensure speedy disposal of eviction cases between the landlords and the tenants. The object of the Act of 2001 is to provide for control of eviction from, letting of and rents for, certain premises in the State of Rajasthan and matters incidental thereto. As per the mandate contained under Section 15(5) of the Act, the Rent Tribunal is expected to decide the application within a period of two hundred and forty days from the date of service of notice on the tenant. At the same time the time line has been prescribed under Section 19(8) of the Act of 2001 for disposal of appeal against the order of Rent Tribunal by the Appellate Rent Tribunal within a period of one hundred and eighty days from the date of service of notice of the appeal on the respondent.

This Court is conscious by the fact that several eviction applications are pending before the Rent Tribunals and several appeals are lying pending before the Appellate Rent Tribunals and it is not possible for the Appellate Tribunals to decide the appeals within the time line, as prescribed under Section 15(5)

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and 19(8) of the Act of 2001 respectively. But at the same time this fact cannot be lost sight that unnecessary and unwarranted requests seeking adjournment of the cases should not be allowed to be entertained by these Tribunals. These Tribunals must consider the fact that either party to the litigation should not be allowed to prolong the decision of the matter at their whims and desire.

17. This Court feels that eviction matters should be given priority in disposal, at all stages of litigation. This Court hopes and trusts that due attention would be paid by all the Tribunals to ensure speedy disposal of eviction cases.

18. It is made clear that whatever, has been observed by this Court, in this order shall not be construed as expression of opinion on the merits of the present case. The Appellate Rent Tribunal would be at liberty to decide the appeal, on its merits, on the basis of material available before it, after hearing the arguments of both the sides.

19. Let a copy of this order be circulated by the Registrar General among all the Judicial Officers posted in the Rent Tribunals and Appellate Rent Tribunals across the State and all the Judicial Officers who are hearing the eviction matters.

(ANOOP KUMAR DHAND),J

KuD/59

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