
(2009) 08 RAJ CK 0016
In the Rajasthan High Court

Bhola Shankar and Laxmi Narayan Agrawal	APPELLANT
Vs	
Rent Tribunal and Others	RESPONDENT

Date of Decision : 18-08-2009

Acts Referred:

Rajasthan Rent Control Act, 2001 — Section 11, 6

Citation : (2009) 3 WLN 556

Hon'ble Judges : Dalip Singh, J

Bench : Single Bench

Judgement

Dalip Singh, J.—Heard learned Counsel for the parties.

2. These two writ petitions have been filed against a common order dt. 05.09.2008 which has been passed by the learned Tribunal rejecting the applications filed by the landlord for consolidation of the two suits.

3. The writ petition No. 10770/2008 has been filed by the erstwhile landlord Bhola Shankar seeking the relief of revision of rent u/s 6 of the Rajasthan Rent Control Act, 2001 and for eviction u/s 9 of the Act of 2001.

4. Learned Counsel for the petitioner-Bhola Shankar, the erstwhile owner, submitted that during the pendency of the proceedings, the possession of the property in dispute was handed over to him by the tenant in the month of May, 2007 and he has even sold the property in dispute to the respondent No. 3 Laxmi Narayan Agarwal vide registered sale-deed dt. 09.04.2008.

5. In that view of the matter, so far as the relief u/s 9 of the Act of 2001 for eviction is concerned, the same does not subsist and now the erstwhile landlord is only seeking revision of rent u/s 6 of the Act of 2001 and enhanced rent upto the date when the possession was handed over to him by the tenant.

6. The subsequent writ petition No. 10541/2008 which has been filed by the subsequent purchaser Laxmi Narayan Agarwal also arises out of the order dt. 05.09.2008 whereby the prayer made by the erstwhile landlord Bhola Shankar

for consolidation of the two suits, the earlier suit filed by the erstwhile landlord Bhola Shankar and the subsequent suit filed by the tenant Om Prakash u/s 11 of the Act of 2001 for the act of illegal dispossession, has been rejected.

7. So far as the subsequent suit filed by Om Prakash, the tenant is concerned, the issue involved is whether the tenant has been dispossessed save in accordance with the procedure established by the law.

8. In that view of the matter, the two suits, one filed by the erstwhile landlord Bhola Shankar and the other filed by the tenant Om Prakash do not in fact have any common issues, even though the parties may be the same. In the earlier suit, as has been stated above, the sole issue which now arises is with regard to the revision of rent and the entitlement of the landlord to receive the enhanced rent u/s 6 read with Section 14 of the Act of 2001 and in the subsequent suit, filed by the tenant raising the issue whether the tenant was dispossessed save in accordance with the procedure established by the law.

9. In that view of the matter, since the issues involved in both the suits are not same, no case for consolidation of the aforesaid two suits is made out.

10. Consequently, both the writ petitions stand dismissed.