
(2013) 09 RAJ CK 0011

In the Rajasthan High Court

Case No : Civil Special Appeal (Writ) No"s. 598 and 599 of 2013

Chetan Das

APPELLANT

Vs

Smt. Anusuya Tak

RESPONDENT

Date of Decision : 25-09-2013

Acts Referred:

Rajasthan Rent Control Act, 2001 — Section 10(1)(c)

Citation : (2013) 09 RAJ CK 0011

Hon'ble Judges : V.K. Mathur, J;Dinesh Maheshwari, J

Bench : Division Bench

Advocate : Narpat Singh, for the Appellant;

Final Decision : Dismissed

Judgement

1. The defects pointed out by the office are taken note of and are waived. After having heard the learned counsel for the appellant and having perused the material placed on the record of these connected intra-court appeals as also the record of SAW No. 145/2013, we are clearly of the view that no case for interference at the instance of the appellant-tenant is made out.

2. The sum and substance of the matter remains that a petition for eviction from the demised premises, as filed by the respondent-landlord was allowed by the Rent Tribunal, Jodhpur on the ground of alternative accommodation having been purchased by the appellant-tenant. In the cross-appeals preferred by the parties, the Appellate Rent Tribunal, Jodhpur in its judgment and order dated 19.07.2012, while dismissing the appeal filed by present appellant, allowed the appeal preferred by the landlord and the order for eviction was also granted on the grounds mentioned in Section 9(e), (f), (j), (k) and Section 10(1)(c) of the Rajasthan Rent Control Act, 2001.

3. An attempt on the part of the appellant to question the judgment and order dated 19.07.2012 so passed by the Appellant Rent Tribunal failed when the learned Single Judge of this Court dismissed the two writ petitions filed by the

appellant, being CWP Nos. 9321/2012 and 9322/2012, by a common order dated 11.02.2013. This order was attempted to be questioned in intra-court appeal, being SAW No. 145/2013 wherein, after arguing the matter, the learned counsel for the appellant prayed for withdrawal with liberty to file a review petition before the learned Single Judge. Hence, the said appeal was dismissed as withdrawn while granting liberty as prayed for. Thereafter, the appellant filed a review petition that has been dismissed by the learned Single Judge of this Court on 27.05.2013 finding no case of any error apparent on the face of the record.

4. During the course of submissions and in response to our query, the learned counsel for the appellant candidly admitted that the appellant has, since after passing of the orders impugned, vacated the suit premises.

5. When the Appellant Rent Tribunal has passed the impugned judgment and order dated 19.07.2012 after thorough appreciation of the evidence in meticulous details; and further, when the learned Single Judge in the order dated 11.02.2013 has again examined the matter in sufficient details, we find nothing of an error as to warrant interference in these intra-court appeals. The appeals fail and are, therefore, dismissed.