
(2013) 04 RAJ CK 0113

In the Rajasthan High Court

Case No : Civil Special Appeal (W) No. 330 of 2013 in Civil Writ Petition No. 16532 of 2012

Narayan Lal

APPELLANT

Vs

Rent Tribunal, Baran and Others

RESPONDENT

Date of Decision : 27-04-2013

Acts Referred:

Rajasthan Rent Control Act, 2001 — Section 9(j)

Citation : (2013) 4 WLN 11

Hon'ble Judges : Narendra Kumar Jain, J; Meena V. Gomber, J

Bench : Division Bench

Advocate : Anil Mehta, for the Appellant; Yogesh Pujari on behalf of Mr. R.K. Agarwal, for the Respondent

Final Decision : Dismissed

Judgement

Narendra Kumar Jain, J.—Heard the learned counsel for the parties. This intra court appeal is directed against the order of Single Bench, whereby writ petition filed by the petitioner/appellant has been dismissed.

2. Briefly stated, the facts of the case are that the respondent No. 2/applicant/landlord filed an application before the Rent Tribunal for eviction of appellant/tenant on the ground enumerated in Section 9(j) of the Rajasthan Rent Control Act, 2001 to the effect that tenant has built or acquired vacant possession of or has been allotted suitable premises adequate for his requirement. The Rent Tribunal framed an issue as to whether the tenant has acquired vacant possession of suitable premises or not? The said issue was decided in favour of the landlord and consequently, a decree of eviction was passed in favour of the respondent No. 2. The decree passed by the Rent Tribunal was affirmed by the Rent Appellate Tribunal by dismissing the appeal of the tenant/appellant. Thereafter, appellant preferred writ petition before Single Bench, which has been dismissed by order dated 28th February, 2013, which is impugned in this intra court appeal.

3. Learned counsel for both the parties has argued the case on merits.
4. The question as to whether tenant has acquired alternate accommodation is purely a question of fact. There is concurrent finding of fact by Rent Tribunal as well as Rent Appellate Tribunal. The said concurrent finding has not been interfered with by the learned Single Judge. We find no infirmity or perversity in the orders passed by the Rent Tribunal, Rent Appellate Tribunal or the learned Single Judge.
5. That apart, it is also relevant to mention that admittedly, the decree of eviction has already been executed and a possession of rented premises has been handed over to the landlord by executing court on 21st March, 2013. A copy of the report of executing court was referred during the course of arguments by the learned counsel for the respondent No. 2, which is taken on record.
6. In these circumstances, we are of the view that there is no merit in this special appeal and the same is liable to be dismissed and, is hereby, dismissed. Stay application No. 3112/2013 also stands dismissed.