

(2017) 04 RAJ CK 0112
In the Rajasthan High Court
Case No : 5929 of 2017

Pawan Kumar S/o Shri Kishtoor Chand Jain	APPELLANT
Vs	
Smt. Kaushlya Devi W/o Late Shri Ramlal Agarwal	RESPONDENT

Date of Decision : 25-04-2017

Acts Referred:

[Rajasthan Rent Control Act, 2001](#), [Section 9](#), [Section 21\(4\)](#), [Section 15\(5\)](#)

Citation : (2017) 04 RAJ CK 0112

Hon'ble Judges : Alok Sharma

Bench : SINGLE BENCH

Advocate : V.K. Tamoliya

Final Decision : Allowed

Judgement

1. This petition has been filed with the prayer to direct the Rent Tribunal Jaipur Metropolitan, Jaipur to decide at an early date the eviction application No.919/2015 (367/2013) (136/2011), Pawan Kumar Vs. Smt. Kaushlya Devi & Others filed under the provisions of Rent Control Act, 2001 (hereinafter `2001 Act').

2. Counsel for the petitioner submits that the petitioner applicant-landlord filed eviction application under Section 9 of the 2001 Act on 20-4-2011. After service, counsel for the non applicant appeared and filed reply. Thereafter issues have been framed on 17-11-2011. Thereafter the case is still pending. Counsel submitted that Section 15(5) of the 2001 Act provides for

disposal of eviction application within 240 days from service of notice on opposite party. Reference has been made to Section 21(4) of the 2001 Act which provides that adjournment by the Rent Tribunal can be granted only on an application in writing therefor decided by a reasoned order. Yet adjournments are granted on the mere askance. And the non-applicant-tenant resorts to frivolous applications to stall the progress in the eviction petition.

3. Having heard learned counsel for the petitioner, and perused the material available on record as also the provisions of the 2001 Act, I find that the prayer sought for is reasonable. The Rent Tribunal is directed to expeditiously decide the application filed by the petitioner and in any event not later than four months from the date of receipt of the certified copy of this order. In the process, the provisions of Section 21(4) of the 2001 Act be adhered to. It is further directed that in the event of filing of frivolous application the same be decided on the same day or the following day by a reasoned and speaking order, and when necessary cost be also imposed as a measure of regulation of court proceedings.

4. The writ petition stands allowed accordingly.