

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4674/2026

Hariprasad S/o Late Meghraj Sharma, Aged About 82 Years,
Resident Of Bikaner, Shyam General Store, Rani Bazaar, Bikaner
(Rajasthan)

-----Petitioner

Versus

1. Surendra Kumar Swami S/o Late Satyanarayan Swami,
Resident Of Lal Bahadur Sabji Mandi, Rani Bazar, Bikaner.
2. Mahendra Kumar Swami S/o Late Satyanarayan Swami,
Resident Of Lal Bahadur Sabji Mandi, Rani Bazar, Bikaner.

-----Respondents

For Petitioner(s)	:	Mr. Nishank Madhan Mr. Ritik Gehlot
For Respondent(s)	:	-

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

23/03/2026

1. It is contended by learned counsel for the petitioner that the respondents-landlords have preferred an application under Section 9(M) and 18/21 of the Rajasthan Rent Control Act, 2001 and in the said application, it is mentioned that an Eviction Petition No.42/2023 is pending consideration before the learned trial Court. Learned counsel for the petitioner submits that the present suit (Civil Suit No.89/2024) and the earlier proceeding (Eviction Petition No.42/2023) relates to the same property and since, an application on the same subject matter was already pending adjudication before the learned trial Court, the petitioner preferred an application under Section 10 of CPC and Section 21 of the Rajasthan Rent Control Act, 2001. However, the learned trial

Court rejected the aforesaid application without duly considering that both the proceedings with regard to the same property were simultaneously pending before the learned trial Court.

2. The matter requires consideration.
3. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.
4. In the meanwhile and till next date, further proceedings in Civil Suit No.85/2024 pending before the learned Rent Tribunal, Bikaner shall remain stayed.

(MUKESH RAJPUROHIT),J

42-Ramesh/-