

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODH-
PUR**

S.B. Civil Writ Petition No. 5046/2026

Narayan Prajapat S/o Pukhraj Prajapat, Aged About 65 Years,
Resident Of Narayan Kangan Store, Plot No. 76, Near Mahadev
Handloom Corporation, New Pali Road, Bhagat Ki Kothi, Jodhpur.

-----Petitioner

Versus

Mitendra Singh S/o Ratan Singh, Resident Of Plot No. 76, New
Pali Road, Bhagat Ki Koti, Jodhpur.

-----Respondent

For Petitioner(s) : Mr. Shridhar Mehta

For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

17/03/2026

It is contended by learned counsel for the petitioner that the respondent–plaintiff instituted a suit for eviction, wherein issues came to be framed by the learned Tribunal. The petitioner thereafter preferred an application under Section 21 of the Rajasthan Rent Control Act, 2001 seeking framing of an additional issue with respect to deposit of amount by the petitioner in favour of the forefather of the landlord as a goodwill & security. The said application came to be rejected. Subsequently, the petitioner preferred a review application against the said order which was also rejected by the learned Tribunal.

Learned counsel for the petitioner further submits that in view of Section 18 of the Rajasthan Rent Control Act, 2001, the Rent Tribunal has jurisdiction to adjudicate disputes between landlord and tenant and matters connected therewith or ancillary

thereto. It is thus contended that the additional issue with regard to the security deposit/goodwill is an issue/dispute ancillary to the dispute of eviction, therefore, the same is ought to be decided alongwith other issues.

In support of his contention, learned counsel placed reliance upon the judgment passed by this Court in the case of ***Parshav Nath Jain Mandir Trust Vs. Avtar Singh; S.B. Civil Revision Petition No.58/2011.***

The matter requires consideration.

Issue notice to the respondent, returnable within six weeks.

In the meanwhile and till next date, further proceedings in Eviction Petition No.211/2021 (NCV No.214/2021) titled Mitendra Singh Vs. Narayan Prajapat pending before the Rent Tribunal, Jodhpur, shall remain stayed.

List the matter after six weeks.

(MUKESH RAJPUROHIT),J