

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

S.B. Civil Writ Petition No. 8694/2026

Amit Kumar Jagwani S/o Late Shri Ashok Kumar Jagwani, Aged About 42 Years, Through M/s. Arjun Store, Gandhi Chauk, Sujangarh, Resident Of Near Baadi Baas Masjid, Sujangarh Town, District Churu (Raj.).

----Petitioner

Versus

1. Babulal Ghosal S/o Late Shri Prithviraj Ghosal, Resident Of Near Kaleeji Mandir, Behind Rama Hotel, Sujangarh, District Churu (Raj.).
2. Mohit Ghosal S/o Shri Babulal Ghosal, Resident Of Near Kaleeji Mandir, Behind Rama Hotel, Sujangarh, District Churu (Raj.).
3. Tikamchand Jagwani S/o Shri Arjunlal Sindhi, Through M/s. Arjun Store, Gandhi Chauk, Sujangarh, Resident Of Near Baadi Baas Masjid, Sujangarh Town, District Churu (Raj.).
4. Sanjay Kumar Jagwani S/o Late Shri Ashok Kumar Jagwani, Through M/s. Arjun Store, Gandhi Chauk, Sujangarh, Resident Of Near Baadi Baas Masjid, Sujangarh Town, District Churu (Raj.).

----Respondents

For Petitioner(s)	:	Ms. Kusha Sharma
For Respondent(s)	:	-

HON'BLE MR. JUSTICE FARJAND ALI

Order

01/07/2026

1. The instant civil writ petition has been preferred by the petitioner under Article 227 of the Constitution of India in the matter of order dated 28.08.2024 passed by the learned Senior Civil Judge-cum-Additional Chief Judicial Magistrate, Sujangarh, District Churu in Civil Original Case No.14/2016, whereby the right

of the petitioner to lead evidence was closed by the learned Rent Tribunal.

2. Bereft of unnecessary details, briefly stated, facts of the case are that the respondents-applicants instituted a rent petition seeking eviction against the petitioner and the same is pending since the year 2016. After completion of the evidence of the applicants, the matter was fixed for recording the evidence of the non-applicants (petitioner herein). The petitioner was permitted to participate in the proceedings pursuant to the order dated 16.09.2023 and thereafter, opportunities were granted to him to lead evidence. However, when the petitioner moved an application dated 28.08.2024 seeking permission to produce his witness, the learned Rent Tribunal, vide order dated 28.08.2024, dismissed the application and closed the right of the petitioner to lead evidence in defence.

3. I have heard learned counsel for the petitioner and gone through the niceties of the matter.

4. The case involves valuable rights of the parties. Since the matter is still pending adjudication, not giving opportunity to the petitioner to lead evidence in support of his pleadings would certainly cause irreparable and irreplaceable loss to him because he would not be able to refute the contentions made by the applicants through his pleadings and evidence. Of course, opportunities were given to him, but were not availed of properly; still, for his unbridled irregular behaviour, he though may be penalized, but should not be deprived of justice. Inconvenience as

would be caused to the other party can be taken care of by imposing cost upon the petitioner.

5. In view of the discussion made above, it is ordered that the petitioner shall deposit a cost of Rs.2,000/- with the learned Rent Tribunal and shall remain available for leading evidence on the date given by the Tribunal. The cost so deposited by the petitioner shall be paid to the respondents-applicants through the Tribunal and if the respondents accept the same, the opportunity shall be given to the petitioner to lead evidence and for this purpose, the learned Rent Tribunal shall fix a date. All the defence evidence shall be produced on the same day. No further opportunity shall be granted to the petitioner for this purpose. In case, the respondents-applicants are not agreeable to accept the cost as imposed as a condition for reopening the evidence, further proceedings in Civil Original Case No.14/2016 pending before the learned Senior Civil Judge-cum-Additional Chief Judicial Magistrate, Sujangarh, District Churu (Rent Tribunal) shall remain stayed and the respondents would be at liberty to make a protest before this Court. The stay petition stands disposed of.

6. List on 02.09.2026.

(FARJAND ALI),J