

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

S.B. Civil Writ Petition No. 8762/2026

Rohit Bari S/o Shri Satpal Bari, Aged About 63 Years, R/o 13
Dammani Quarter, Rani Bazaar, District Bikaner, Rajasthan.

-----Petitioner

Versus

Ramkumar Rathi S/o Shri Kanhaiyalal Rathi, R/o Near B.k.
Secondary School, Daga Chowk, District Bikaner, Rajasthan.

-----Respondent

For Petitioner(s)	:	Mr. SS Khatri
For Respondent(s)	:	Mr. DD Chitlangi

HON'BLE MR. JUSTICE FARJAND ALI

Order

06/05/2026

1. After arguing to some extent, the learned counsel for the petitioner seeks withdrawal of the instant petition but at the same time beseeches for some judicial protection.

3. This Court has taken the notes of the facts that questioned property is a small quarter in which the family of the petitioner residing since last more than two decades and they have no immediate alternate accommodation to transfer themselves and further the order dated 15.04.2026 passed by the co-ordinate Bench of this Court in S.B. Civil Writ Petition No.8121/2026 in the case of ***Krishan Kumar Bareja Vs. Ramesh Chandra Pediwal*** wherein the Court was pleased to give concession to the tenant of that case who were occupying the quarter and this property is adjacent to the suit property of this case and after hearing both the parties, the co-ordinate Bench granted a period for handing

over the vacant possession of the property to the landlord on or before 30.06.2027 provided he pays the arrears of rent as directed. For the ready reference, the above order is being reproduced hereinbelow:-

"1. By way of filing the present writ petition, the petitioners have prayed for the following reliefs:-

*"It is, therefore, most respectfully prayed that the present writ petition filed by the petitioner may kindly be allowed with cost and by an appropriate order, writ or direction, the impugned Judgments and Decree passed by Learned Rent Tribunal, Bikaner dated 20.08.2025 (**Annex-1**) and Judgment and Decree by the Learned Rent Appellate Tribunal, Bikaner dated 11.03.2026 (**Annex-2**) may kindly be set aside and further, the Eviction Petition filed by the respondent may kindly be rejected with cost in the interest of justice.*

An other order or direction, which this Hon'ble court deem just fit and proper be passed in favour of the petitioner"

2. At the outset, learned counsel for the petitioners submitted that the petitioners are ready and willing to hand over vacant and peaceful possession of the rented premises to the respondent, provided that a reasonable time is granted for the same. Learned counsel submitted that the petitioners are also ready and willing to pay the entire arrears of the rent, if any, as directed by learned Tribunal and thereafter, will continue to pay the monthly rent regularly. He also submitted that the petitioners will furnish an undertaking to this effect before the Rent Tribunal.

3. Learned counsel for the respondent submitted that since the petitioners are ready and willing to handover the vacant and peaceful possession of the rented premises in question, he has no objection, in case reasonable time to do so is extended to them.

4. Since the petitioners have not joined the issue on merit, therefore, the impugned judgment dated

11.03.2026 (Annex.2) passed by the Rent Appellate Tribunal, Bikaner as well as the impugned judgment dated 20.08.2025 (Annex.1) passed by the Rent Tribunal, Bikaner are upheld.

5. The present writ petition is disposed of with a direction to the petitioners to hand over the vacant and peaceful possession of the rented premises in question (Quarter No.14, Dammani Quarter, Rani Bazar, Bikaner) to the respondents on or before 30.06.2027. The petitioners are further directed to pay the arrears of rent, if any, to the respondent and thereafter shall continue to pay the monthly rent i.e. Rs.2,400/- regularly as agreed between both the parties. The petitioners shall also file an undertaking indicating their intention to vacate the rented premises in question on or before 30.06.2027, within a period of one month from the date of passing of this Order.

6. It is made clear that in case, the order passed by this Court is not complied with by the petitioners, the respondent will be free to take appropriate proceeding including filing of execution petition and contempt petition, against the petitioners.

7. The stay application also stands disposed of."

3. In view of the judgment mentioned supra and taking note of the fact that the above suit property would be vacated upto 30.06.2027, therefore, similar treatment ought to have been given to the petitioner as well.

4. Accordingly, the present writ petition is disposed of as withdrawn with a direction to the petitioner to hand over the vacant and peaceful possession of the rented premises in question (Quarter No.13, Dammani Quarter, Rani Bazar, Bikaner) to the respondent on or before 30.06.2027. The petitioner is further directed to pay the arrears of rent, if any, to the respondent and thereafter shall continue to pay the monthly rent i.e. Rs.2,400/- regularly as agreed between both the parties till the date of

vacation of premises. The petitioner shall also file an undertaking indicating his intention to vacate the rented premises in question on or before 30.06.2027, within a period of one month from the date of passing of this order. Such undertaking shall be submitted before the trial Court. If the petitioner does not vacate the premises till 30.06.2027, the learned tribunal shall immediately issue a warrant of possession and the same shall be executed upon within a period of 15 days whereafter without giving any further opportunity to the petitioner-tenant and for this learned counsel for the petitioner is agreed.

(FARJAND ALI),J