

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

S.B. Civil Writ Petition No. 9327/2026

Nisar Ahmed S/o Shri Shafi Mohammad Chhipa, Aged About 61 Years, Near Khara Kuan, Jain Mandir Road, Above Manbhavan Saree, Market No. 3, Bhopalganj, Bhilwara.

-----Petitioner

Versus

1. Lrs Of Abdul Rasheed, Son Of Abdul Shakur Gauri
2. Rabia Bano W/o Abdul Rashid Gauri, Aged About 45 Years, Resident Of Purani Than Bhandi, Bhilwara.
3. Mohammad Irfan S/o Abdul Rashid Gauri, Aged About 36 Years, Resident Of Old Paddy Market, Bhilwara.
4. Raeesa Bano D/o Abdul Rashid Gauri W/o Mohammad Saeed, Aged About 53 Years, Resident Of Nadi Mohalla, Behind Chhoti Masjid, Pali.
5. Anisa Bano D/o Abdul Rashid Gauri W/o Mohammad Arif, Aged About 47 Years, Resident Of Nadi Mohalla, Behind Chhoti Masjid, Pali.
6. Nafisa Bano D/o Abdul Rashid Gauri W/o Mohammad Abid, Aged About 44 Years, Resident Of Nadi Mohalla, Behind Chhoti Masjid, Pali.
7. Naushad Bano D/o Abdul Rashid Gauri W/o Mohammad Ashfaq, Aged About 41 Years, Resident Of Phoolgali, Ajmer.
8. Dilshad Bano D/o Abdul Rashid Gauri W/o Mohammad Imran, Aged About 30 Years, Resident Of Phoolgali, Ajmer.
9. Abdul Hannan S/o Shri Abdul Rashid Gauri, Resident Of Old Paddy Market, Bhilwara.

-----Respondents

For Petitioner(s) : Mr. Mohd. Amaan

For Respondent(s) : -

HON'BLE MR. JUSTICE FARJAND ALI

Order

01/05/2026

1. By way of filing the instant writ petition, a challenge is made to the order dated 10.03.2026 whereby the right of the petitioner

to cross-examine D.W.-1 (Abdul Halal Gauri), rent petitioner, has been closed.

2. Bereft of unnecessary details briefly stated the facts of the case are that a rent petition came to be submitted by the respondent (deceased) before the Tribunal which is pending since the year 2023. The petitioner happens to be a tenant. Right from 20.03.2024, the matter had been posted for the evidence of the applicant landlord. On 15.05.2024, 18.07.2024 and 05.09.2024 and whereafter on 16.10.2025 despite presence of witness of the applicant, adjournments were sought on behalf of the petitioner. On 20.11.2025, again an adjournment was sought and whereupon as a last chance was given at the cost of Rs.2,000/-. On 10.12.2025, though the applicant's witness was present but again the petitioner sought change of date on another lame excuse. The learned Tribunal, while showing benevolence and keeping in mind the interest of justice, took a lenient view and a further opportunity was granted. Now, again the same obstinacy was shown for another procrastination. Again a further leniency was shown. On 22.01.2026, the witness was there in the Court, cross-examination commenced, however, deferred perhaps due to paucity of time and the matter was posted for completion of cross-examination on the next date. On 10.03.2026, the witness was very much present right from the time in early hours of the Court, but the petitioner requested to conduct cross-examination after lunch hours. Apparently, the witness was chastised to wait for until 04:00 P.M. and whereafter an application was moved on behalf of the petitioner seeking adjournment, which came to be dismissed by the learned Tribunal after making observance of all

other facts mentioned above besides others and under order 17 Rule 2 of CPC the right of the petitioner to cross-examine the witness was closed.

3. I have heard learned counsel for the petitioner. Though the conduct of the petitioner cannot be appreciated but this Court feels that for an obnoxious behavior of a party, he can be penalized by imposing a cost but at the same time, on this account, he cannot be deprived from getting justice. Doing cross-examination in a case, either civil or criminal, is a very significant step of a trial. It is being done to test the credence, veracity and trustworthiness of the deposition of the witness and this is an opportunity which is of course statutory to defend oneself. In a petition under Section 9 of the Rajasthan Rent Control Act, 2001, if the applicant is not subjected to cross-examination, it can be presumed that the same may prejudice the rights of the opposite party. At this stage, it is also pondered that if indulgence is made by this Court for issuance of notice by staying the proceedings, it would further cause protraction of the proceeding.

4. In this view of the matter, the following directions are passed as an interim measure:-

(A) The petitioner shall deposit a cost of Rs.5,000/- towards the inconvenience caused to the rent petitioner on the next date of hearing. The amount shall be tendered with the Court and whereupon the presiding Judge shall hand over the same to the rent petitioner.

(B) Upon doing so, the learned Tribunal shall summon or call the witness of the applicant and whereafter an opportunity, one and

single, shall be allowed to the petitioner to cross-examine the applicant landlord. No further opportunity whereafter be granted.

(C) The learned Judge shall ensure that unnecessary, irrelevant scandalous or unwarranted lengthy cross-examination shall not be permitted.

Provided all the things above (A), (B) and (C) is subjected to the condition that if the respondent herein, the rent petitioner, is not agreeable to accept the cost, then the learned Tribunal shall stay the proceedings.

5. The parties shall appear before the Tribunal on 20.05.2026, upon which the respondent landlord shall be offered to accept the cost amount and upon his acceptance of the same, the learned Tribunal may allow his cross-examination on the very same day or may fix any other date, convenient to both the parties, however, no further opportunity thereafter shall be granted for this purpose and the cross-examination shall be completed on the same day. In case, the eviction petitioner does not accept the cost amount, he would require to appear before this Court either personally or through his counsel to raise his plea.

6. It is made clear that if the eviction petitioner's witness does not appear on the given date then any delay on the part of the rent petitioner shall not affect the right of the writ petitioner.

7. List the matter on 26.05.2026 to see the course of action adopted.

(FARJAND ALI),J