

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

S.B. Civil Writ Petition No. 15633/2021

Asharaf Ali S/o Akbar Ali, Aged About 53 Years, Resident Of
Outside Bidasar Bari, Bikaner.

-----Petitioner

Versus

Smt. Saroj Rani W/o Kan Singh, Resident Of Inside Goga Gate,
Bikaner.

-----Respondent

For Petitioner(s)	:	Mr. OP Mehta. Mr. VD Gaur. Mr. Jubin.
For Respondent(s)	:	Mr. Mukul Krishna Vyas. Mr. Mohit Krishna Vyas. Mr. Harish Chordia.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/03/2026

1. This writ petition has been filed by the petitioner under Article 227 of the Constitution of India against the order dated 08.09.2021 passed by the learned Rent Appellate Tribunal, Bikaner in Civil Appeal No.76/2014 (CIS No.467/2014) whereby the learned Rent Appellate Tribunal, Bikaner dismissed the appeal filed by the petitioner and affirmed the order dated 11.03.2014 passed by the learned Rent Tribunal, Bikaner in Civil Original Case No.43/2008.

2. Learned counsel for the petitioner, instead of assailing the validity of the impugned order and without joining the issues on merit, submits that the petitioner is ready and willing to handover possession of the rented premises to the respondent, provided

that a reasonable time is granted to do so. Learned counsel further submits that the petitioner is ready and willing to pay the entire arrears of rent, if any, and thereafter, he will continue to pay the monthly rent to the respondent. He also submits that the petitioner will furnish an undertaking to this effect before the learned Rent Tribunal.

3. Learned counsel for the respondent submits that shortest possible time may be granted to the petitioner to vacate the rented premises and he may be directed to file an undertaking before the learned Rent Tribunal to the effect that he will handover the peaceful and vacant possession of the shop on or before the date so fixed by this Court.

4. Heard learned counsel for the parties.

5. Having considered the rival submissions and the fact that the petitioner is not joining the issues on merit, this Court while upholding the 08.09.2021 passed by the Rent Appellate Tribunal, Bikaner deems it just and proper to direct the petitioner to handover the vacant and peaceful possession of the rented premises/shop in question to the respondent on or before 25.09.2027 (i.e., within 18 months from today). The petitioner is further directed to pay the arrears of rent, if any, and he will continue to pay the monthly rent as agreed to the respondent. The petitioner shall also file an undertaking showing his clear intentions to vacate the rented premises on or before 25.09.2027 and pay monthly rent on time to the respondent before the learned Rent Tribunal within one month from the date of this order.

6. It is made clear that in case, the order passed by this Court is not complied with by the petitioner, the respondent will be free to take appropriate proceedings including filing of execution petition and contempt petition against the petitioner.
7. The writ petition is disposed of in the above terms.
8. The stay application also stands disposed of.

(MUKESH RAJPUROHIT),J