

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 4723/2026
CNR: RJHC020201972026 | URN: CW / 10414U / 2026

Amritlal Nahariya S/o Shri Rattilal

-----Petitioner

Versus

Harjeet Singh Tank S/o Late Kanhaiyyalal Tank (deceased)
through LRS

-----Respondents

For Petitioner(s)	:	Mr. Dushyant Singh Naruka
For Respondent(s)	:	

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

30/07/2026

Petitioner has filed an application under Order 41 Rule 27 CPC to place certain documents on record stating *inter alia* that same are already on record before the Rent Tribunal.

In that view, application (I.A. No. 2/2026) stands allowed.

It has been argued that petitioner filed a petition to vacate the respondent, asserting him as tenant in the suit property and resort to provision of Section 18 of the Rajasthan Rent Control Act, 2001 was taken. That petition has been dismissed by the Rent Tribunal, Ajmer vide final order dated 06.02.2024 with observation that relationship of landlord and tenant between parties was not established. The statutory appeal filed by petitioner has also been dismissed by the Appellate Rent Tribunal, Ajmer vide judgment dated 23.01.2026, whereagainst this writ petition has been filed.

Counsel for the petitioner submits that the Rent Tribunal so also Appellate Rent Tribunal committed manifest illegality and

jurisdictional error in entering into the question of ownership of the property instead of relationship of landlord/tenant between the parties, which indeed is established, and the issue of ownership of the property is not required to be gone into the present case.

Matter requires consideration.

Heard.

Issue notice for hearing of writ petition to the respondents.

In the stay application, prayer has been made for staying the operation of the impugned judgment which is uncalled for and same is hereby disposed of with observation that respondents shall not transfer the possession of suit property.

Accordingly, stay application stands disposed of.

Record of both the courts below be summoned.

(SUDESH BANSAL),J