

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 4849/2025

Shri Chandrakishore Gupta S/o Shri Prabhudayal Gupta, R/o
136/23, Kesarganj, Behind Police Chowki, Kesarganj, Ajmer.

-----Petitioner

Versus

1. Shri Mahesh Chand Gupta S/o Shri Dharmchand Gupta,
R/o Padma Bhawan, Kesarganj, Ajmer (Deceased)
Through Legal Heir Smt. Kusumlata W/o Shri Mahesh
Chand Gupta, R/o Chatai Mohalla, Kesarganj, Ajmer
(Established By Order Of Learned Court) Smt. Bharti
Gupta W/o Shri Vinod Gupta, R/o Chatai Mohalla,
Kesarganj, Ajmer.
2. Shri Chandraprakash Gupta S/o Shri Prabhudayal, R/o
136/23, Kesarganj, Behind Police Chowki, Kesarganj,
Ajmer

-----Respondents

For Petitioner(s) : Mr. Rahul Agarwal

For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

08/04/2025

1. By way of filing this writ petition, a challenge has been led to the impugned order dated 14.02.2025 passed by the Rent Tribunal, Ajmer (for short, 'the Tribunal') by which the application filed by Smt. Bharti Gupta under Order 22 Rule 10 CPC read with Section 21 of the Rajasthan Rent Control Act, 2001 (for short, 'the Act of 2021') and Section 151 CPC has been allowed and the said Bharti Gupta has been substituted in the array of cause title of the rent eviction application submitted by one Maheshchand Gupta.

2. Counsel for the petitioner submits that the premises in question was let out to the petitioner by one Mahesh Chand Gupta and he filed an application under Section 9 of the Act of 2001 before the Tribunal. Counsel submits that during the pendency of the said application, he passed away, hence his wife Kusumlata was substituted who also passed away, later. Counsel submits that thereafter an application under Order 22 Rule 10 CPC read with Section 21 of the Act of 2001 was submitted by one Bharti Gupta on the basis of registered Will executed by the Gokli Devi who happens to be the mother of late Mahesh Chand Gupta. Counsel submits that the premises was never let out by Gokli Devi, hence under these circumstances, on the basis of the Will executed by her in favour of Bharti Gupta, she cannot be treated as landlord of the petitioner but this fact has been overlooked by the Tribunal while allowing the application filed by her, hence under these circumstances, interference of this Court is warranted.

3. Heard and considered the submissions made at Bar and perused the material available on record.

4. Perusal of the impugned order indicates that after taking note of the aforesaid factual aspect of the matter, the Tribunal was of the view that the relationship of landlord and tenant would be determined on the basis of the evidence led by the both sides and the petitioner would be at liberty to cross-examine the said applicant Bharti Gupta at the appropriate stage.

5. This Court finds no error in the impugned order passed by the Tribunal, which requires any interference of this Court.

6. Accordingly, the present writ petition stands dismissed.

7. Stay application and all pending application(s), if any, also stand dismissed.

(ANOOP KUMAR DHAND),J

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