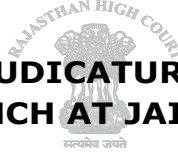




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 8161/2026

Purshottam S/o Shri Shrinath Sharma, Aged About 62 Years, R/o 103, Sarai Kaiasthan, Kaithuni Pole, Kota (Raj.) Second Address-Shop No. 1, Agrasen Nagar, Keshav Pura, Main Road, Kota (Raj.)

-----Petitioner

Versus

Smt. Rita Arora W/o Shri Narendra Arora, Aged About 62 Years, R/o C-39, Gayatri Vihar, Bajrang Nagar, Police Line Road, Kota (Raj.)

-----Respondent

For Petitioner(s) : Mr. R.K. Daga
For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

07/05/2026

1. The present writ petition has been filed by the petitioner assailing the order dated 23.04.2025 passed by the learned Rent Tribunal, Kota, whereby the application filed by the petitioner/defendant for taking on record the reply to the application under Section 19A of the Rajasthan Rent Control Act, 2001, was dismissed.
2. Brief facts giving rise to the present petition are that the respondent/applicant filed an eviction petition under Sections 9 & 15 of the Rajasthan Rent Control Act, 2001 (hereinafter to be referred as 'the Act') on 20.05.2022 against the petitioner/defendant on the ground of default in payment of rent.
3. During pendency of the petition, the respondent/applicant filed an application dated 27.03.2024 under Section 19A of the Act seeking direction to pay arrears of rent amounting to Rs. 6,30,000/- as well as directing the petitioner to pay rent regularly w.e.f. 01.05.2022.



4. That despite taking various opportunities, when the petitioner did not file reply to the said application, the learned Rent Tribunal closed the petitioner's right to file reply vide order dated 29.08.2024.

5. That without either assailing the order dated 29.08.2024 or filing a recall application, the petitioner very cleverly filed reply to the said application on 06.11.2024 at his own, which compelled the respondent to file a formal application dated 22.11.2024 for not taking the aforesaid reply dated 06.11.2024 on record.

6. Therefore, in order to cover up the aforesaid irregularity, the petitioner filed an application dated 18.12.2024 with the effect that the reply to the application under Section 19A of the Act may be taken on record.

7. The respondent also filed reply to the said application on 23.12.2024 with a prayer that the reply filed by the petitioner to the application under Section 19A of the Act may not be taken on record for the reason that several opportunities were provided to the petitioner and has now lost the right to file the reply.

8. After a careful examination of the pleadings of the parties, the learned Rent Tribunal, vide order dated 23.04.2025, decided the application dated 22.11.2024 filed by the respondent as well as the application dated 18.11.2024 filed by the petitioner and consequently, declined to take the reply dated 06.11.2024 filed by the petitioner on record.

9. Aggrieved by which, the petitioner has preferred the present civil writ petition.

10. Learned counsel for the petitioner submits that the learned Rent Tribunal erred in rejecting the application of the petitioner



while taking overly technical view in the impugned order. He further submits that the learned Rent Tribunal erred in allowing the application filed by the respondent and also erred in rejecting the petitioner's application dated 18.12.2024, thereby, discarding the reply of the petitioner, he therefore prays that the impugned order may be quashed and set aside.

11. Heard and considered the submissions advanced by the learned counsel for the petitioner and perused the material available on record.

12. From bare perusal of the record, it is revealed that an application under Section 19A of the Act was filed on 27.03.2024, wherein, after giving sufficient opportunities to the petitioner on 23.05.2024, 31.05.2024, 20.07.2024, 12.08.2024 (last opportunity was granted with a clear understanding that if the reply is not filed by the next date of hearing, the same will be closed) and thereafter, one more opportunity dated 21.08.2024 was provided to the petitioner and finally the right of the petitioner to file reply to the application under Section 19A of the Act was closed by the learned Rent Tribunal vide order dated 29.08.2024.

13. Thereafter, the present petitioner, without assailing the validity of the order dated 29.08.2024, very cleverly filed reply to the application under Section 19A of the Act at his own, which compelled the respondent to file subsequent application dated 22.11.2024 for discarding the reply so submitted by the petitioner. The learned Rent Tribunal, after considering the facts of the case, vide order dated 23.04.2025, rightly rejected the petitioner's application dated 18.12.2024 for taking reply to the application



under Section 19A of the Act on record and allowed the respondent's application dated 22.11.2024.

14. A bare perusal of the impugned order clearly demonstrates that the petitioner succeeded in delaying the proceedings of the interim relief and despite availing ample opportunities including the last opportunity provided to him to file reply to the application under Section 19A of the Act, he has not filed any reply and very cleverly, without seeking leave of the learned Rent Tribunal initially filed the reply at his own, and thereafter filed an application for taking reply to the application under Section 19A of the Act on record.

15. From the above discussion, it is manifest that the application dated 18.12.2024 is simply a dilatory tactics and not based on any *bona fide* reasons or sufficient cause rather the same is a mere afterthought, preferred at a belated stage solely to delay the disposal of the application under Section 19A of the Act. Such an attempt by the petitioner-tenant to bridge the gaps in pleadings and rectify prior negligence cannot be countenanced.

16. In that view of the matter, this Court is of the considered opinion that the impugned order dated 23.04.2025 does not suffer from any jurisdictional error, illegality, perversity, or legal infirmity so as to warrant any interference by this Court under the powers conferred by Article 227 of the Constitution of India.

17. Accordingly, the present writ petition fails and is hereby dismissed.



18. All other pending application(s), if any, shall stand disposed of.

(MANEESH SHARMA),J

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