

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

S.B. Civil Second Appeal No.109/2017

Laxman Prasad s/o Chandrabhan Kothiyari -----Appellant

Versus

Thaneshwar Prasad s/o Shri Ram Through his LRs

-----Respondent

For Appellant(s) : Mr.M.M. Ranjan, Senior Advocate assisted by
Mr.Daulat Sharma.

For Respondent(s) : Mr.Manoj Bhardwaj,
Mr.Anil Upman.

HON'BLE MR. JUSTICE ALOK SHARMA

Order

05/01/2018

Having heard the counsel for the appellant, I am of the considered view that the following two substantial questions of law are made out:-

(a) Whether Dinesh Kumar can be said to be member of family of Smt.Satyawati wife of Dayashankar who is landlord being nephew and the appellate court failed to appreciate this aspect.

(b) Whether looking to the statutory requirement under Rule 64(2) proviso (i) of the Drugs and Cosmetic Rules, 1945, the minimum premises should be 107.63 sq. ft. whereas the disputed premises is only 70 ft. and the necessity of Dinesh Kumar could be held when he cannot commence the business of Drugs in the disputed premises.

Admit.

In the meantime, the impugned judgment dated 11.01.2017

passed by the Appellate Court shall remain stayed. The respondent-landlord shall be free to file an application for expedited hearing as also for mesne profits.

(ALOK SHARMA)J.

Karan/17

RAJASTHAN HIGH COURT



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