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C.A.No. 5077 OF 1998  
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp  
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R  
ITEM No.101 Court No.8 SECTION XV  
(Part-Heard)

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO.5077 OF 1998@@  
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Nasiruddin & Ors. Appellant (s)

VERSUS

Sita Ram Agarwal Respondent (s)  
( With prayer for interim relief )

Date : 21/03/2002 This petition was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MRS. JUSTICE RUMA PAL

For Appellant (s) Mr. Sushil Kumar Jain,Adv.  
Ms. Anjali Doshi,Adv.  
Ms. Ruchi Kohli,Adv.

For Respondent (s) Mr. Aruneshwar Gupta,Adv.  
Mr. Amarjit Singh Bedi,Adv.  
Ms. Sweta Agarwal,Adv.

Upon hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

We have heard the learned counsel for the parties for some length of time. The issue arising for decision in this case centres around the interpretation of sub-section (5) of Section 13 of The Rajasthan Premises (Control of Rent & Eviction) Act, 1950, which reads as under:-

.....L.....I.....T.....T.....J  
.SP1

" Eviction of tenants@@  
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(1) to (4) .....

(5) If a tenant fails to deposit or pay any amount referred to in sub-section (4) on the date or within the time specified therein, the court shall order the defence@@  
CCCCC  
against eviction to be struck out and shall proceed with the hearing of the suit."

