

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



S.B. Civil Writ Petition No. 5514/2025

Ramswaroop @ Pappu S/o Bobad Ram Saini, Aged About 63
Years, Shopkeeper Naya Bas Chaurayaa, Alwar.

-----Petitioner

Versus

1. Moolchand Saini S/o Kalluu Ram Saini, R/o Nayabas, Alwar (Deceased)
2. Smt. Kesar Devi W/o Late Moolchand Saini, (Deceased)
3. Ramesh Chand, S/o Late Moolchand Saini
4. Niranjnlal, S/o Late Moolchand Saini
5. Durga Prasad, S/o Late Moolchand Saini
6. Deepchand, S/o Late Moolchand Saini
7. Nandkishore S/o Late Moolchand Saini, R/o Nayabas, Tehsil And District Alwar (Raj.)

-----Respondents

For Petitioner(s) : Mr.Akshit Gupta with
Ms.Pragya Seth
Mr.Ahmed Anas &
Mr.Nakul Bansal

JUSTICE ANOOP KUMAR DHAND

Order

24/04/2025

Reportable

1. By way of filing this writ petition, a challenge has been made to the orders dated 05.03.2024 and 11.03.2025 passed by the Executing Court, Rent Tribunal by which warrant under Order 21 Rule 35 CPC has been issued against the petitioner for vacating the rented premises. A prayer has been made for issuing direction to the Rent Appellate Tribunal to decide the appeal expeditiously.



2. Learned counsel for the petitioner submits that an application under Sections 6 and 9 of the Rajasthan Rent Control Act, 2001 (for short, "the Act of 2001") was submitted by the respondents against the petitioner for his eviction from the rented premises. The said application was allowed by the Rent Tribunal, Alwar by order dated 05.03.2024 against which a statutory appeal has been preferred by the petitioner before the Rent Appellate Tribunal on 02.05.2024. Counsel submits that final arguments have been heard in the said appeal and only the judgment remains to be pronounced. Final arguments have already been heard on the said appeal on 28.01.2025 and thereafter, the case was posted for 13.02.2025, 18.02.2025 & 21.02.2025 for pronouncement of the judgment. Thereafter on 06.03.2025, the case was posted for 24.03.2025 for pronouncement of the judgment, but till date, the appeal has not been decided and the judgment has not been pronounced and in the meantime, the Executing Court is proceeding further to evict the petitioner from the rented premises, therefore, appropriate orders are required to be passed.

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

4. Against the eviction order dated 05.03.2024, an appeal has been preferred by the petitioner before the Rent Appellate Tribunal, Alwar, wherein after hearing the final arguments, the matter has been kept for pronouncement of the judgment since February, 2025, but in spite of passing of considerable time, till date, the judgment has not been pronounced.

5. It is not expected from the Rent Appellate Tribunal to keep the judgment reserved for an indefinite period, more particularly, when the arguments have been heard and concluded on 28.01.2025 itself, the Presiding Officer is not expected to keep on posting the matter for pronouncement of judgment from one date to another.

6. The Hon'ble Apex Court in the case of **Balaji Baliram Mupade & Ors. Vs. The State of Maharashtra & Ors.** reported in **2021 (12) SCC 603** has considered it imperative that the Judicial discipline requires promptness in delivery of judgments and has held in para 1, 10 to 13 as under:-

"1. ... Judicial discipline requires promptness in delivery of judgments—an aspect repeatedly emphasised by this Court. The problem is compounded where the result is known but not the reasons. This deprives any aggrieved party of the opportunity to seek further judicial redressal in the next tier of judicial scrutiny.

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10. We must note with regret that the counsel extended through various judicial pronouncements including the one referred to aforesaid appear to have been ignored, more importantly where oral orders are pronounced. In case of such orders, it is expected that they are either dictated in the court or at least must follow immediately thereafter, to facilitate any aggrieved party to seek redressal from the higher court. The delay in delivery of judgments has been observed to be a violation of Article 21 of the Constitution of India in Anil Rai case [(2001) 7 SCC 318] and as stated aforesaid, the problem gets aggravated when the operative portion is made available early and the reasons follow much later.

11. It cannot be countenanced that between the date of the operative portion of the order and the reasons disclosed, there is a hiatus period of nine months!

This is much more than what has been observed to be the maximum time period for even pronouncement of reserved judgment as per Anil Rai case.

12. The appellant undoubtedly being the aggrieved party and prejudiced by the impugned order is unable to avail of the legal remedy of approaching this Court where reasons can be scrutinised. It really amounts to defeating the rights of the appellant to challenge the impugned order on merits and even the succeeding party is unable to obtain the fruits of success of the litigation.

13. We are constrained to pen down a more detailed order and refer to the earlier view on account of the fact that recently a number of such orders have come to our notice and we thought it is time to send a reminder to the High Courts."

7. The Hon'ble Supreme Court in the case of **Anil Rai Vs. State of Bihar** reported in **(2001) 7 SCC 318** has held that once the matters are reserved for pronouncement of order, usually, the same should be pronounced within a reasonable time schedule. It has been held in Para 8 as under:-

"8. The intention of the legislature regarding pronouncement of judgments can be inferred from the provisions of the Code of Criminal Procedure. Sub-section (1) of Section 353 of the Code provides that the judgment in every trial in any criminal court of original jurisdiction, shall be pronounced in open court immediately after the conclusion of the trial or on some subsequent time for which due notice shall be given to the parties or their pleaders. The words "some subsequent time" mentioned in Section 353 contemplate the passing of the judgment without undue delay, as delay in the pronouncement of judgment is opposed to the principle of law. Such subsequent time can at the most be stretched to a period of six weeks and not beyond that time in any case. The pronouncement of judgments in the civil case should not be permitted to go beyond two months."

8. The Civil Procedure Code, 1908, prescribes thirty days time in which a judgment should be pronounced. Order XX Rule 1 of CPC lays down that:-

"1. Judgment when pronounced. -- [(1) The Court, after the case has been heard, shall pronounce judgment in an open Court, either at once, or as soon thereafter as may be practicable and when the judgment is to be pronounced on some future day, the Court shall fix a day for that purpose, of which due notice shall be given to the parties or their pleaders:

Provided that where the judgment is not pronounced at once, every endeavour shall be made by the Court to pronounce the judgment within thirty days from the date on which the hearing of the case was concluded but, where it is not practicable so to do on the ground of the exceptional and extraordinary circumstances of the case, the Court shall fix a future day for the pronouncement of the judgment, and such day shall not ordinarily be a day beyond sixty days from the date on which the hearing of the case was concluded, and due notice of the day so fixed shall be given to the parties or their pleaders.]"

9. The right of speedy and expeditious disposal of the case, trial is one of the most valuable and cherished right of a litigant guaranteed under Article 21 of the Constitution of India. It is an integral and essential part of the fundamental right of life and liberty enshrined under Article 21.

10. Section 19(8) of the Act of 2001 lays that the Appellate Rent Tribunal shall dispose of the appeal within a period of one hundred and eighty days from the date of service of notice of appeal on the respondents.

11. In the instant case, more than two months have passed, but till date, the judgment has not been pronounced.



12. Keeping in view, the overall facts and circumstances of the case, the instant writ petition stands disposed of with expectation from the Rent Appellate Tribunal to pronounce the judgment, expeditiously as early as possible, preferably within a period of two weeks from the date of receipt of certified copy of this order.

13. For a period of two weeks, no coercive action shall be taken against the petitioner.

14. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J