

**Naresh Kumar Vs. State and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/850800](http://sooperkanoon.com/850800)

**Court :** Rajasthan

**Decided On :** Apr-09-2010

**Reported in :** RLW2010(2)Raj1656

**Judge :** Ajay Rastogi, J.

**Appellant :** Naresh Kumar

**Respondent :** State and ors.

**Judgement :**

**Ajay Rastogi, J.**

1. Instant petition has been filed by defendant (tenant) assailing order dt. 23/02/2010 (Ann.6) passed by Rent Tribunal, Kota whereby objection was rejected on the premise that rejoinder alongwith affidavit having been filed by plaintiff is necessary for proper adjudication of dispute being raised.

2. From material on record, respondent plaintiff filed application seeking eviction of suit premises for his personal bonafide necessity before the Rent Tribunal; and after written statement being filed by petitioner, respondent further filed rejoinder alongwith affidavit enclosed therewith, at this stage, petitioner raised objection that by filing affidavit annexed to the rejoinder if taken on record, respondent by this indirect method wants to improve his case, which may cause prejudice to him.

3. Taking note of objection raised by petitioner, the learned Tribunal observed that what has been contended by respondent-plaintiff in his rejoinder alongwith affidavit is certainly relevant for adjudication of dispute raised; and accordingly, objection raised by petitioner was over-ruled vide order impugned.

4. That apart, Under Section 15(4) of Rajasthan Rent Control Act, 2001, plaintiff is always at liberty to file rejoinder only after serving copy to the opposite party within period prescribed therein. It is not the case of petitioner that counter/rejoinder has not been submitted by respondent plaintiff within period stipulated Under Section 15(4) of Act, 2001. As regards affidavit, learned Tribunal observed that it has a bearing on the issue having come for proper adjudication but at the same time, this Court finds substance that petitioner should also be afford opportunity to counter thereto if so advised. However, this Court is not inclined to entertain the petition.

5. Consequently, writ petition is disposed of with the liberty to the petitioner to file counter to rejoinder & affidavit annexed thereto filed by plaintiff, if so advised within four weeks from today and if such a counter is filed by the petitioner, it may be taken on record and the Tribunal may proceed further in accordance with law.

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