

Search on LiveLaw



Advertisement



Mahindra University
Global Thinkers. Engaged Leaders.

NEW AGE LEGAL EDUCATION AT MU

B.A., LL.B. (Hons.) | BBA, LL.B. (Hons.) |
B.Tech LL.B. | LL.B. (Hons.) | LLM. (Hons.) |
Ph.D. in Law

APPLY NOW

(https://www.mahindrauniversity.edu.in/sites/apply/sol/?utm_source=live-law&utm_id=live-law)



VIT-AP UNIVERSITY
Apply Knowledge. Inspire Life.

VSL

Admissions Open

5 Year Integrated
BBA LL.B (Hons.) BA LL.B (Hons.)

Apply Now : www.vitap.ac.in

(https://vitap.ac.in/vsl-admission-details/?utm_source=livelaw&utm_medium=banner&utm_campaign=admission)



MANGALAYATAN UNIVERSITY
Aligarh / Jabalpur

2023 LAW ADMISSION

BA LL.B(H) | B.Com LL.B(H) | LL.B (H) | LL.M

ALIGARH - CALL NOW: +91 9359 555 555
JABALPUR - CALL NOW: +91 8252 200 200

Apply Now

(<https://www.mangalayatan.in/online-application-form/>)

[Home \(/\)](#) / [Supreme court \(/supreme-court\)](#) / [Rajasthan Premises \(Control of Rent...](#)

Rajasthan Premises (Control of Rent and Eviction) Act 1950 | Though Eviction Suit Can't Be Filed Before 5 Years Of Tenancy, Supreme Court Affirms Decree As It Was Passed After 38 Years

Suraj Kumar

(/user-148332)

13 July 2023 11:20 AM

Share this





Listen to this Article

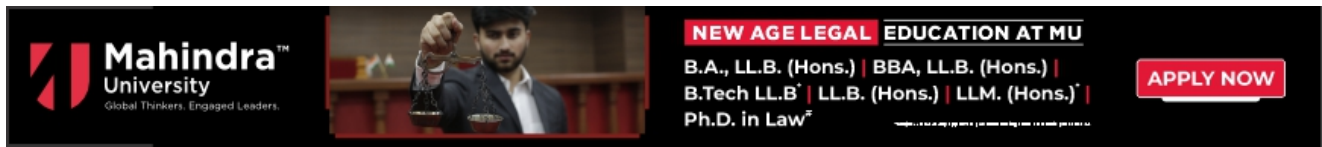
0:05 / 5:10

The Supreme court bench comprising of Justice Sanjay Kishan Kaul and Justice Ahsanuddin Amanullah held that the objective of section 14(3) of Rajasthan Rent control Act, 1950 was to safeguard the interest of tenants. As per the provision, Eviction suit cannot be filed by landlord within 5 years of tenancy. However, the court opined that even though in this case, the eviction suit was filed within 5 years, 38 years have gone by since then. This itself would cure the defect in the eviction suit.

Also Read - Pavement Built On Acquired Land Encroached By Vendors; Supreme Court Asks DDA To Take Action (/supreme-court/pavement-built-on-acquired-land-encroached-by-vendors-supreme-court-asks-dda-to-take-action-232677?utm_source=internal-article&utm_medium=also-read)

Advertisement

(<https://www.livelaw.in/pricing>)



Mahindra™ University
Global Thinkers. Engaged Leaders.

NEW AGE LEGAL EDUCATION AT MU

B.A., LL.B. (Hons.) | BBA, LL.B. (Hons.) |
B.Tech LL.B. | LL.B. (Hons.) | LLM. (Hons.) |
Ph.D. in Law²

APPLY NOW

(https://www.mahindrauniversity.edu.in/sites/apply/sol/?utm_source=live-law&utm_id=live-law)

The Supreme court allowed the appeal by the landlord and set aside the High court judgment.

BRIEF BACKGROUND OF THE CASE

The respondent is the tenant of a shop situated at Paanch Batti, M1 road, Jaipur with appellant as landlord. The appellant purchased the property in 1985 where respondent was already present as tenant in the premises.

The appellant filed a suit for eviction citing bonafide necessity in 1985 which was dismissed in 2002 since section 14(3) of the Rent control Act barred suits filed within 5 years of tenancy. The trial court noted that premises were leased only in 1982.

Also Read - 'Misconceived' : Supreme Court Dismisses PIL To Cancel IIT Faculty Appointments From 2008 For Allegedly Violating Reservation Norms (/top-stories/supreme-court-dismisses-pil-seeking-cancellation-of-faculty-appointments-in-iits-from-2008-for-allegedly-violating-reservation-norms-232672?utm_source=internal-artice&utm_medium=also-read)

An appeal was filed before Additional District judge where the appellant succeeded in 2004 based on the admission of respondent that the shop was initially leased in 1958. Therefore, the suit was filed after 5 years of tenancy which is legally permissible.

Thereafter a second appeal was preferred by respondent before a single judge of the High court which framed a preliminary question of maintainability in 2018.

Also Read - Supreme Court Pulls Up States and High Courts For Not Filing Compliance Report On Directions Issued On Motor Accident Compensation Claims (/top-stories/supreme-court-pulls-up-states-and-high-courts-for-not-filing-compliance-report-on-directions-issued-on-motor-accident-compensation-claims-232661?utm_source=internal-article&utm_medium=also-read)

Advertisement



([https://vitap.ac.in/vsl-admission-details/?](https://vitap.ac.in/vsl-admission-details/?utm_source=livelaw&utm_medium=banner&utm_campaign=admission)

[utm_source=livelaw&utm_medium=banner&utm_campaign=admission](https://vitap.ac.in/vsl-admission-details/?utm_source=livelaw&utm_medium=banner&utm_campaign=admission))

Legal issue

What if an eviction suit is filed within 5 years of tenancy? Is that barred absolutely? Would a fresh suit need to be filed after expiry of the period?

The first view was that section 14(3) created a complete prohibition on filing of suit within 5 years of tenancy.

Whereas, the 2nd view was that the irregularity of the petition filed within 5 years of tenancy would get cured by decree of eviction made after expiry of such period

Also Read - NGT Cannot Pass Directions Relying On Recommendations Of Expert Committee Without Giving Parties A Chance To Rebut It: Supreme Court (/top-stories/ngt-cannot-pass-directions-relying-on-recommendations-of-expert-committee-without-giving-parties-a-chance-to-rebut-it-supreme-court-232624?utm_source=internal-article&utm_medium=also-read)

Advertisement



([https://apply.manavrachna.edu.in/mru-admissions?](https://apply.manavrachna.edu.in/mru-admissions?utm_source=Livelaw&utm_medium=banner&utm_campaign=law)

[utm_source=Livelaw&utm_medium=banner&utm_campaign=law](https://apply.manavrachna.edu.in/mru-admissions?utm_source=Livelaw&utm_medium=banner&utm_campaign=law))



(<https://www.mangalayatan.in/online-application-form/>)

Since there were different interpretations of section 14(3) by coordinate benches, this matter was referred to a larger bench of the High court.

The Division bench of the high court via the impugned judgment held that section 14(3) created a complete bar on the suit.

SUPREME COURT'S VERDICT

The Court held that the objective of protection of the tenant for 5 years has been met already since the proceedings went on for 5 years and even beyond it- in this case it went on for 38 years. The tenant was not evicted for the entire 38 years.

The court was of the view that the suit has already been prolonged by 38 years. If we ask the landlord to file a fresh suit- it would defeat the very objective of restriction on filing of suit.

The court observed that it would be a travesty of justice to hold that the landlord should now restart the proceedings.

It agreed with the observation in case *B Banerjee vs Smt.Anita Pan (1975) 1 SCC 166* that *"the protection is fulfilled with passage of prescribed time period and filing of fresh suit would lead to unnecessary multiplicity of proceedings."*

The court took note that in the new statute namely Rajasthan Rent control Act, 2001 has come into force which did not create any similar bar.

Supreme Court invoked Art. 142 to put an end to the matter instead of remitting it to single judge in 2nd appeal for decision on merits

The court opined that the real question of law to be determined in the second appeal was already discussed and answered by the supreme court. Therefore instead of remitting the matter back to the single judge in second appeal for deciding the issue based on merits as is done usually, the court affirmed the decree of eviction in 2004 by 1st appellate court, purportedly under Article 142 of Constitution to put an end to the matter and to do absolute justice to parties.

Case title: Ravi Khandelwal v. M/S Taluka stores, SLP(C) No.9434/2020

For petitioners: AOR Anuj Bhandari along with advocate Mrs Disha Bhandari

For respondent: Senior Advocate Mr Sushil Jain, AOR Ms Pratibha Jain along with advocates Mr Puneet Jain, Mrs Christi Jain, Mr Umang Mehta, Mr Yogit Kamat, Ms Shruti Singh, Mr Manan Arora, Ms Akriti Sharma.

Case title: Ravi Khandelwal v. M/S Taluka stores, SLP(C) No.9434/2020

For petitioners: AOR Anuj Bhandari along with advocate Mrs Disha Bhandari

For respondent: Senior Advocate Mr Sushil Jain, AOR Ms Pratibha Jain along with advocates Mr Puneet Jain, Mrs Christi Jain, Mr Umang Mehta, Mr Yogit Kamat, Ms Shruti Singh, Mr Manan Arora, Ms Akriti Sharma.

Click Here To Read/Download Order (https://www.livelaw.in/pdf_upload/takula-store-judgement-480844.pdf)

HC Initiates Contempt Proceedings Against Lawyer For Using 'Unparliamer



Tags

Justice Sanjay Kishan Kaul (<https://www.livelaw.in/tags/justice-sanjay-kishan-kaul>)

Justice Ahsanuddin Amaah (<https://www.livelaw.in/tags/justice-ahsanuddin-amaah>)

Rajasthan Rent Control Act (<https://www.livelaw.in/tags/rajasthan-rent-control-act>)

Eviction (<https://www.livelaw.in/tags/eviction>)

0 comments



Add a comment...

Similar Posts

(/supreme-court/pavement-built-on-acquired-land-encroached-by-vendors-supreme-court-asks-dda-to-take-action-232677)

Pavement Built On Acquired Land Encroached By Vendors; Supreme Court Asks DDA To Take Action

Taking a serious view of vendors encroaching upon a pavement which was built on a land which was compulsorily acquired from a citizen for public purpose, the Supreme Court called for necessary action by the Delhi Development Authority. A bench comprising Justices Abhay S Oka and Sanjay Karol made this observation while considering an appeal...

'Misconceived' : Supreme Court Dismisses PIL To Cancel IIT Faculty Appointments From 2008 For Allegedly Violating Reservation Norms

The Supreme Court recently dismissed a Public Interest Litigation (PIL) seeking to cancel faculty appointments in Indian Institutes of Technology (IIT) from 2008 to present for allegedly violating reservation norms. The PIL also sought for equal opportunity to be given to candidates from northern and Hindi speaking states in faculty positions...

(/top-stories/supreme-court-dismisses-pil-seeking-cancellation-of-faculty-appointments-in-iits-from-2008-for-allegedly-violating-reservation-norms-232672)

Supreme Court Pulls Up States and High Courts For Not Filing Compliance Report On Directions Issued On Motor Accident Compensation Claims

The Supreme Court on Monday urged the States and High Courts that had not filed their compliance reports in connection with a slew of directions issued by the Apex Court in December 2022 with regard to motor accident compensation claims to do so by August 14. The Court warned that if the reports are not submitted on time, the Court would have to...

(/top-stories/supreme-court-pulls-up-states-and-high-courts-for-not-filing-compliance-report-on-directions-issued-on-motor-accident-compensation-claims-232661)

NGT Cannot Pass Directions Relying On Recommendations Of Expert Committee Without Giving Parties A Chance To Rebut It: Supreme Court

The Supreme Court recently held that the National Green Tribunal (NGT) being an adjudicatory body must comply with the principles of natural justice. It also held that if the NGT intends to rely on the report of an expert Committee or any other material that is brought to its knowledge, the concerned party must be informed of it in advance, and be...

(/top-stories/ngt-cannot-pass-directions-relying-on-recommendations-of-expert-committee-without-giving-parties-a-chance-to-rebut-it-supreme-court-232624)

Supreme Court Constitutes Expert Committee to Find a Solution for Unregulated Entry of Pilgrims into Core Areas of National Parks and Wildlife Sanctuaries

The Supreme Court of India on Wednesday set up a high-level panel to examine the environmental issues arising as a result of a large number of pilgrims visiting the temples located inside the core area of Rajasthan's Sariska Tiger Reserve and directed them to furnish a report within six weeks.

The bench held: "The perusal of an affidavit by...

(/top-stories/supreme-court-expert-committee-unregulated-entry-pilgrims-core-areas-national-parks-wildlife-sanctuaries-232615)

Gurugram Prime Plot 'Sold' Through Fake GPA : Supreme Court Forms SIT To Probe Land Scam; Questions Role Of Sub-Registrar's Office

The Supreme Court, recently, directed the Commissioner of Police, Gurugram to constitute a Special Investigation Team (SIT) to investigate a land scam that involves officials at the office of land Registering Authorities and other accused persons allegedly duping an elderly NRI couple. The Apex Court categorically stated that the Commissioner of...

(/top-stories/supreme-court-land-scam-gurugram-prime-property-sit-232555)

Revenue Dept Can't Recover Refunded Cess Amount Because Refund Was Based On A Judgment Which Was Later Overruled : Supreme Court

The Supreme Court has upheld the decision of the Jammu and Kashmir and Ladakh (J&K&L) High Court where the court had held that the assessee was not liable to return the Education Cess and Secondary & Higher Education Cess in view of the law subsequently laid down by the Supreme Court in M/s Unicorn Industries vs. Union of India, (2020)...

(/supreme-court/supreme-court-revenue-department-education-cess-refund-jk-ladakh-high-court-ruling-232552)

Supreme Court Rejects Argument That 'Piecemeal' Extensions Will Affect Independence Of Directors Of CBI & ED; Upholds Amendments To CVC Act & DSPE Act

The Supreme Court of India on Tuesday, while upholding the validity of the 2021 amendments to the Central Vigilance Act and the Delhi Special Police Establishment Act, rejected the argument that granting extensions of only one year at a time to the terms of the heads of the Directorate of Enforcement and the Central Bureau of Investigation...

(/top-stories/supreme-court-extension-sweet-will-piecemeal-extensions-insulation-executive-influence-ed-director-232542)

Persons With Disability Act 1995 Mandated Reservation In Promotions Too : Supreme Court Grants Relief To RBI Employee

Recently, the Supreme Court invoked Article 142 of the Constitution of India to direct RBI to extend the benefit of reservation in promotion to an employee with disability, who was denied the same for a long time (Reserve Bank of India v. A.K. Nair And Ors). The challenge in the petition pertained to securing promotion to the post of Assistant...

(/top-stories/persons-with-disability-act-1995-mandated-reservation-in-promotions-too-supreme-court-grants-relief-to-rbi-employee-232514)

Regularizing Service Of Few Employees And Not Others Despite Eligibility Is Violative Of Article 14: Supreme Court

The Supreme Court has held that act of regularizing the services of only some employees and not of other entitled employees, is discriminatory and violative of Article 14 of the Constitution of India. The Chief Commissioner of Income Tax had found 65 employees entitled to regularization of employment but only 35 could be regularized, since only 35...

(/supreme-court/supreme-court-ruling-regularization-employees-discrimination-article-14-232506)

Can Documents Relied On By Prosecution Be Supplied To Accused In Digital Format? Supreme Court To Examine Whether Hard Copy Is Mandatory

The Supreme Court will examine whether supplying of hard copies of the documents relied on by the Prosecution, is mandatory, or can it be supplied in digital format? This issue was raised in a special leave petition filed by Central Bureau of Investigation against the Judgment of Madhya Pradesh High Court that had upheld the direction issued by the...

(/supreme-court/supreme-court-digital-format-documents-relied-prosecution-232505)

Nullification Of Court Direction By Legislation Impermissible Without Altering Basis Of Judgment Supreme Court In ED Director's Case

While holding the extensions given to the term of ED Director Sanjay Kumar Mishra, the Supreme Court reiterated that a legislative act to nullify a judgment, without taking away its basis, is an impermissible exercise. A bench comprising Justices BR Gavai, Vikram Nath and Sanjay Karol note that ignoring the direction given by the Supreme Court in...

(/top-stories/supreme-court-nullification-of-court-direction-by-legislation-impermissible-without-altering-basis-of-judgment-232499)



(https://play.google.com/store/apps/details?id=com.sinergialabs.livelaw&hl=en_IN)

(<https://apps.apple.com/in/app/livelaw/id910652359>)

[Top Stories \(/top-stories\)](/top-stories)

[Law Schools \(/lawschool\)](/lawschool)

[Tax \(/tax-cases\)](/tax-cases)

[Supreme Court \(/supreme-court\)](/supreme-court)

[IBC News \(/ibc-cases\)](/ibc-cases)

[Digests \(/digests\)](/digests)

[High Court \(/high-court\)](/high-court)

[Arbitration \(/arbitration-cases\)](/arbitration-cases)

[Know The Law \(/know-the-law\)](/know-the-law)

[Consumer cases \(/consumer-cases\)](/consumer-cases)[Job Updates \(/job-updates\)](/job-updates)[Environment \(/environment\)](/environment)[Round Ups \(/round-ups\)](/round-ups)[Book Review \(/book-reviews\)](/book-reviews)[Podcast \(/podcast\)](/podcast)[International \(/more/international\)](/more/international)[Events Corner \(/events-corner\)](/events-corner)[Videos \(/videos\)](/videos)

Law Schools Corner

[\(/more/law-schools-corner\)](/more/law-schools-corner)

Law Firms

[\(/law-firms\)](/law-firms)**Who We Are****Contact Us****Advertise with us****Careers****Privacy Policy****T&C**[\(/who-we-are\)](/who-we-are)[\(/contact-us\)](/contact-us)[\(/advertise\)](/advertise)[\(/career\)](/career)[\(/privacy-statement\)](/privacy-statement)[\(/terms-and-conditions\)](/terms-and-conditions)<https://www.facebook.com/livelawindia><https://twitter.com/LiveLawIndia>[https://api.whatsapp.com/send?phone=+91 8431625405&text=I want to Subscribe for Live Law Updates on](https://api.whatsapp.com/send?phone=+91_8431625405&text=I%20want%20to%20Subscribe%20for%20Live%20Law%20Updates%20on%20LIVE%20LAW%20INDIA)**WhatsApp**<https://www.youtube.com/livelawindia><https://www.linkedin.com/company/livelawindia><https://www.instagram.com/livelawindia><https://t.me/livelawindia>

2023 © All Rights Reserved @LiveLaw

Powered By Hocalwire (<http://www.hocalwire.com>)