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

S. B. Civil Writ Petition No. 22097/2026
CNR: RJHC021055342026 | URN: CW / 46522U / 2026

Rajasthan High Court
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Kamal Kishore Pareek S/o Late Sh. Manmohan Lal Pareek, R/o House No. 31/482, Pratap Nagar, Sanganer, Jaipur.

----Petitioner

Versus

1. Sitaram Pareek S/o Late Sh. Gangaram Pareek, (Died During Proceedings)
   1/1 Punit Kumar Pareek, Aged About 55 Years, S/o Late Sh. Sitaram Pareek
   1/2 Smt. Dipti Rawat, Aged About 54 Years, W/o Sh. Punit Kumar Pareek
2. Smt. Shashi Pareek W/o Late Sh. Sitaram Pareek, (Died During Proceedings) R/o Wt-02/101, Experien Wind Chetas, Sector No. 112, Dwarka Expressway, Bajgheda, Gurgaon, Haryana.

----Respondents

For Petitioner	:	Mr. Anirudh Tyagi Advocate.
For Respondents	:	Mr. Sandeep Sharma Advocate.

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

REPORTABLE

03/11/2026

1. The present writ petition has been preferred by the petitioner assailing the order dated 16.10.2026 passed by the learned Rent Tribunal No.2, Jaipur Metro First (hereinafter to be referred as 'the Rent Tribunal'), whereby his application under Section 47 read with Section 151 CPC, raising objections regarding the jurisdiction of the Executing Tribunal and validity of the execution proceedings, has been rejected.

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2. Fact, in brief, are that the petitioner is a tenant in property bearing No. Nagar 31/482, Pratap Sanganer, Jaipur, at a monthly rent of Rs.9,000/. The respondents instituted an eviction petition before the learned Rent Tribunal No.1, Jaipur Metro First, which came to be allowed vide judgment and decree dated 05.08.2025. Aggrieved thereof, the petitioner preferred an appeal before the learned Appellate Rent Tribunal. Meanwhile, the respondents instituted execution proceedings bearing No.12/2026 before the learned Rent Tribunal, which registered the execution petition and issued notice to the petitioner vide order dated 20.01.2026.

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3. The petitioner questioned the jurisdiction of Rent Tribunal on the ground that the eviction decree had been passed by Rent Tribunal No.1 and, in the absence of a lawful transfer under Sections 37, 38 and 39 CPC, another Tribunal could not undertake its execution. His application seeking stay of execution proceedings was dismissed by the learned Appellate Rent Tribunal vide order dated 05.05.2026. The petitioner challenged the said order before this Court in S.B. Civil Writ Petition No.8990/2026, which was disposed of as withdrawn vide order dated 25.05.2026, granting liberty to the petitioner to raise his objections before the Executing Tribunal in accordance with law.

4. Pursuant thereto, the petitioner filed an application dated 10.07.2026 under Section 47 read with Section 151 CPC, reiterating his jurisdictional objections and challenging the recovery warrant issued during the execution proceedings. The respondents filed their reply and the petitioner submitted a

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rejoinder. In the meantime, the process for transfer of the execution proceedings to the Tribunal having appropriate territorial jurisdiction was undertaken vide communication dated 14.07.2026, and the transfer certificate was subsequently received by the transferee Tribunal. The learned Executing Tribunal, after considering the objections, rejected the petitioner's application vide order dated 16.10.2026.

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5. Learned counsel for the petitioner submitted that the decree having been passed by Rent Tribunal No.1, its execution could not have been undertaken by Rent Tribunal No.2 without following the mandatory procedure prescribed under Sections 37, 38 and 39 read with Order 21 Rule 6 CPC. It was submitted that no application for transfer of the decree had been filed by the decree-holders and no valid transfer order had been passed before institution of the execution proceedings. Since Rent Tribunal No.1 continues to exist, another Tribunal could not assume jurisdiction merely by registering the execution petition.

6. Learned counsel further submitted that the subsequent issuance and receipt of the transfer certificate could not retrospectively validate the coercive proceedings, particularly the recovery warrant, undertaken before actual transmission of the execution record. It was argued that the learned Executing Tribunal failed to independently examine the legality of such proceedings and mechanically rejected the objections. Learned Counsel relied upon judgment of Hon’ble Supreme Court in the case of **Balvant N. Viswamitra & Others vs Yadav Sadashiv**

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Mule (D) through LRS & Others, (2004) 8 SCC 706, in support of his contentions.

7. Per contra, learned counsel for the respondents submitted that the petitioner had misconstrued the statutory scheme governing Rent Tribunals. The Rajasthan Rent Control Act, 2001, is a special enactment containing an independent mechanism for execution of orders. Sections 13(2), 20 and 21(3) thereof empower the competent authorities to regulate distribution of business, provide for execution of orders and permit the Tribunals to regulate their own procedure without being bound by the CPC. It was contended that the execution proceedings were duly transferred and the transfer certificate was received by the competent Tribunal. The petitioner had failed to demonstrate any inherent lack of jurisdiction or prejudice warranting interference. The petition was accordingly opposed.

8. Heard learned counsel for the parties and perused the material available on record.

9. The sole question involved in the present writ petition relates to the competence of Rent Tribunal No.2 to entertain execution petition in respect of an eviction decree passed by Rent Tribunal No.1. The petitioner's principal contention is founded upon Sections 37, 38 and 39 read with Order 21 Rule 6 CPC. However, while dealing with such contention, the special statutory framework governing the constitution and functioning of Rent Tribunals under the Rajasthan Rent Control Act, 2001, cannot be overlooked.

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10. Upon examination of the scheme of the Act, it would be evident that Section 13(2) of the Act of 2001 specifically empowers the State Government, where two or more Rent Tribunals have been constituted for an area, to regulate the distribution of business amongst them by a general or special order. Section 20 provides an independent mechanism for execution of final orders passed by the Rent Tribunal, while Section 21(3) expressly stipulates that the Rent Tribunal and the Appellate Rent Tribunal shall not be bound by the procedure prescribed under the CPC and shall have the power to regulate their own procedure, subject to the Act and the Rules.

11. A conjoint reading of these provisions makes it evident that the legislature has consciously provided an independent procedural mechanism for adjudication and execution of orders under the Act. Consequently, the provisions governing execution and transfer of decrees by ordinary civil courts cannot be mechanically imported into proceedings before Rent Tribunals as though the CPC were fully applicable to them. The applicability of any particular provision of the CPC has to be examined in the context of the special enactment.

12. The petitioner has failed to demonstrate any statutory provision under the Act of 2001 mandating that transfer or allocation of execution proceedings between competent Rent Tribunals must invariably follow the entire procedure prescribed under Sections 37 to 39 and Order XXI Rule 6 CPC. Equally, the continued existence and functioning of Rent Tribunal No.1 does not, by itself, prohibit transfer or allocation of execution

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proceedings to another competent Tribunal. Relevant consideration would be as to whether the Tribunal undertaking execution has been vested with the requisite authority under the applicable statutory and administrative arrangement, or not ?

13. In the present case, the execution proceedings were subsequently transferred, a transfer certificate was issued and the same was received by the Tribunal entrusted with their further conduct. The petitioner has not established that such transfer was contrary to any statutory prohibition , nor could he establish that the transferee Tribunal lacked territorial or subject-matter competence. His objection substantially rests upon the fact that the execution proceedings were initially instituted before Rent Tribunal No.2 and the transfer certificate was received subsequently. Such chronology, by itself, does not establish inherent lack of jurisdiction.

14. It is equally well settled that every procedural irregularity does not render the proceedings void. The petitioner has utterly failed to establish that the Rent Tribunal no. 2 lacked authority to undertake the proceedings in question on the relevant dates. In the absence of such demonstration, the mere subsequent transmission of the execution record cannot invalidate all proceedings undertaken earlier.

15. So far as the challenge to the recovery warrant is concerned, the petitioner has not demonstrated any independent jurisdictional infirmity in the issuance thereof. Nor has he established that the warrant was issued by an authority which was inherently incompetent to undertake execution under the

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applicable statutory arrangement. The mere fact that the execution record was subsequently transmitted to another Tribunal does not, by itself, furnish a ground for automatic cancellation of the warrant.

16. It is also significant that Section 20(4) of the Act of 2001 requires execution proceedings to be conducted in a summary manner. The legislative object is to ensure expeditious implementation of orders passed by the Rent Tribunal. The interpretation advanced by the petitioner, if accepted in its absolute form, would result in unnecessary duplication of execution proceedings and frustrate the object of the special enactment. Transfer of an execution record between competent Tribunals does not necessarily require commencement of execution proceedings afresh, particularly when no statutory provision mandating such a course has been demonstrated.

17. The petitioner's reliance upon the liberty granted by this Court vide order dated 25.05.2026 also does not advance his case. The said order merely permitted him to raise his objections before the Executing Tribunal in accordance with law. Admittedly, the petitioner has availed the liberty so granted, and his objections have been considered and decided by the learned Executing Tribunal by giving cogent reasonings.

18. The settled legal position is that an executing court cannot go behind the decree and reopen the adjudication concluded by the court passing it, except where the decree is a nullity on account of inherent lack of jurisdiction. In **Brakewel Automotive Components (India) Private Limited vs. P.R.**

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Selvam Alagappan, (2017) 5 SCC 371, the Hon'ble Supreme Court reiterated the limitations governing the jurisdiction of an executing court. In the present case, the petitioner has neither established that the eviction decree is a nullity nor demonstrated inherent lack of jurisdiction in the Tribunal presently entrusted with its execution.

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19. So far as the judgment of Hon’ble Supreme Court in **Balvant N. Viswamitra & Others (supra)** relied upon by learned Counsel for the Petitioner, this court finds that the aforesaid judgment reiterates the fundamental principle that a decree without jurisdiction is a nullity, however, the Petitioner has utterly failed to convince this court with regard to applicability of the above principle in the facts and circumstances of this case.

20. It is also well settled that scope of interference under Article 227 of the Constitution of India is very limited and supervisory jurisdiction exercised by this court is not an appellate jurisdiction, hence, cannot be exercised merely to substitute the view of the High Court for that of the subordinate Tribunal. In **Shalini Shyam Shetty & Another Vs. Rajendra Shankar Patil, (2010) 8 SCC 329** and **Garment Craft Vs. Prakash Chand Goel, (2022) 4 SCC 181**, the Hon'ble Supreme Court has held that interference under Article 227 is warranted only in cases of patent jurisdictional error, perversity, or manifest injustice. In case, the impugned order is tested on the aforesaid principles, this Court does not find any jurisdictional error, patent illegality or perversity in the impugned order. The learned Executing Tribunal has considered the objections in the backdrop of the statutory

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framework. The petitioner has failed to establish that the transfer was unauthorised, could he establish that the proceedings undertaken earlier were inherently without jurisdiction. No ground warranting supervisory interference is, therefore, made out.

21. Consequently, the writ petition, being devoid of merit, is hereby dismissed.

22. Pending applications, if any, also stand disposed of.

(ANAND SHARMA),J

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