



2026:AHC:109610

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 6620 of 2026

Smt. Asha Devi Jeswani And Another

.....Petitioner(s)

Versus

Shri Sudeep Kumar Jain

.....Respondent(s)

Counsel for Petitioner(s) : Ramesh Chandra Dwivedi
Counsel for Respondent(s) :

Court No. - 35

AFR

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

Heard Sri Ramesh Chandra Dwivedi, learned counsel for the petitioner.

The present petition has been instituted assailing the order dated 17.04.2026 passed by the Rent Authority, Agra in Case No. 475 of 2023 (Sudeep Kumar Jain vs. Smt. Asha Devi and another), as also the subsequent order dated 22.04.2026 passed by the Rent Tribunal in Case No. Nil of 2026, arising out of proceedings under Section 10 of the U.P. Act No. 16 of 2021 instituted by the respondent-landlord.

It appears from the record that during pendency of the aforesaid proceedings, the tenant-petitioner moved an application on 19.11.2025 raising certain objections touching the maintainability of the case and prayed that the same be adjudicated as a preliminary issue before the matter proceeded further.

The Rent Authority, Agra, upon consideration of the said request, noticed that similar objections regarding maintainability had also been raised earlier by the tenant. It further took note of the fact that the proceedings had remained pending since 17.02.2023 and the matter had already reached the stage of hearing. In that backdrop, the authority found no justifiable reason to segregate the objections for separate adjudication as a preliminary issue and directed that the case be fixed for final hearing, where all questions raised by the parties would be considered together.

Aggrieved thereby, the petitioner preferred an appeal. The Rent Tribunal, by

the order impugned dated 22.04.2026, held that the order passed by the Rent Authority was purely interlocutory in nature, did not finally determine any right of the parties, and therefore was not amenable to appellate challenge. The appeal was consequently dismissed at the admission stage.

The view taken by the Tribunal accords with settled principles. It is well settled that every procedural order passed during the pendency of proceedings does not attain the character of an appealable adjudication. An order merely declining to frame or decide an objection of maintainability as a preliminary issue, while keeping such objection open for consideration at the stage of final disposal, neither determines the substantive rights of the parties nor finally adjudicates any jurisdictional plea. It is, in essence, a matter concerning the mode and sequence of trial. In summary rent proceedings, where expeditious adjudication is the governing legislative object, the authority is vested with discretion to decide whether a particular objection ought to be tried separately or along with the merits. Refusal to postpone the main proceedings for separate determination of such objection, especially where the matter is ripe for final hearing, remains interlocutory in character and does not give rise to an independent statutory appeal unless the statute expressly provides otherwise. The aggrieved party suffers no irreparable prejudice, for the objection survives for consideration in the final decision and may thereafter be urged, if necessary, in challenge to the ultimate order.

Merely because a party raises an objection touching maintainability does not confer an indefeasible right to insist that such objection be tried as a preliminary issue in isolation. Unless the issue is one which can be decided purely on admitted facts and is capable of terminating the proceedings at the threshold, the forum is competent to defer its consideration and examine the same together with the remaining issues at the final stage, particularly where segregation of issues is likely to delay disposal of summary proceedings.

No prejudice is caused to the tenant by adoption of such course, inasmuch as the objection regarding maintainability has not been rejected on merits but has only been deferred for consideration at the time of final adjudication. All pleas remain open to be urged before the Rent Authority and, if occasion so arises, in challenge to the final order.

Having heard learned counsel for the petitioner and upon perusal of the material brought on record, this Court finds no manifest illegality, perversity, or jurisdictional error in either of the orders impugned so as to warrant interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

The supervisory jurisdiction of this Court under Article 227 of the Constitution is intended to keep subordinate courts and tribunals within bounds of their authority. It is not meant to correct every procedural order or to substitute this Court's view in matters resting within the discretion of the forum, unless patent perversity, gross failure of justice, or jurisdictional error is demonstrated.

It has not been disputed before this Court that proceedings under Section 10 of the U.P. Act No. 16 of 2021 are summary in character. It is also not disputed that the proceedings have remained pending since February, 2023 and are presently at the stage of final hearing. In such circumstances, the decision of the Rent Authority, Agra to consider all objections, including those relating to maintainability, at the stage of final adjudication cannot be said to suffer from any legal infirmity. Any interference at this stage would only frustrate the legislative objective of expeditious disposal underlying summary rent proceedings.

During the course of arguments, learned counsel for the petitioner submitted that he does not wish to press the petition any further and that the petitioner would pursue all objections available to him before the Rent Authority, Agra in the pending proceedings.

In view of the aforesaid statement, and as no case for interference is otherwise made out, the present petition stands disposed of with liberty to the petitioner to raise and press all permissible objections before the Rent Authority at the time of final hearing, which shall be considered in accordance with law. No order as to costs.

(Dr. Yogendra Kumar Srivastava,J.)

May 12, 2026

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