

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.284/2024

Date of Decision: 23rd December, 2025.

Ashok Kumar

.....Petitioner

Versus

Urmila Devi (deceased) through LRs

...Respondents

Coram

The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the Petitioner: Mr. Neeraj Gupta, Sr. Advocate with Mr. Janesh Gupta, Advocate.

For the Respondent: Mr. Sudhir Thakur, Sr. Advocate with Ms. Anjali Soni Verma, Advocate.

Bipin Chander Negi, Judge (oral).

The present petition has been preferred against the impugned order dated 29.04.2024, whereby an application preferred under Section 151 of the CPC, seeking dismissal of the rent petition, has been rejected.

2. Heard counsel for the parties and perused the impugned order and the documents appended along with the present petition.

3. The predecessor-in-interest of present respondents No.1(a) and 1(b) i.e. one Smt. Urmila Devi being the landlady of the property, in the case at hand, had preferred an eviction petition against the present petitioner and proforma respondents No.2 to 4 i.e. tenants, on the ground of arrears of rent and her personal bona fide requirement. During the pendency of the eviction petition, the predecessor-in-interest and present respondent (original landlady) Urmila Devi expired. This occasioned the filing of an application under Section 151 of

the CPC seeking dismissal of the eviction petition preferred by deceased Urmila Devi on the ground that as a result of her death, the personal bona fide requirement in the case at hand had come to an end.

4. Response thereto was filed. Post-hearing the parties, the impugned order was passed. During the pendency of the aforesaid application, original respondent No.3-Lalita Devi had expired. No steps were taken for either deleting the name of said respondent nor was her legal heirs were brought on record.

5. The impugned order in the case at hand has been passed against a dead person, hence is a nullity. In this respect, reference can be made to the authoritative pronouncement of the Apex Court in **2017 (13) SCC 414, titled Gurnam Singh (Dead) through LR Vs. Gurbachan Kaur (Dead) by LRs.**

6. In the aforesaid facts and attending circumstances, impugned order dated 29.04.2024, passed by the learned Rent Controller (1), Palampur, District Kangra, HP, is set aside. As a result of the setting aside of the impugned order, application filed under Section 151 seeking dismissal of the petition on the ground that the personal bona fide requirement has ceased to exist post-death of the original landlady Smt. Urmila Devi, shall be restored to its original number. The effect of death of respondent No.3 shall be considered by the learned trial Court.

7. Other than the aforesaid, the present petitioner/proforma respondents i.e. tenants are free to taking

steps for either deleting the name of deceased respondent No.3 or bringing on record the legal heirs of deceased respondent No.3 in accordance with law.

8. In view of the aforesaid, present petition stands disposed of, so also the pending miscellaneous application(s), if any.

Parties are directed to appear before the learned Rent Controller-I, Palampur, District Kangra, HP on **09.01.2026**.

(Bipin Chander Negi)
Judge

23rd December, 2025
(Gaurav Rawat)