



CR-8134-2025 (O&amp;M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

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**CR-8134-2025 (O&M)  
Decided on :-03.12.2025**

Jasvinder Singh Saini

....Petitioner

VERSUS

Gurdeep Singh (now deceased) through his LR

....Respondent

**CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. Ravinder Singh Randhawa, Sr. Advocate with  
Ms. Tarranum Madan, Advocate and  
Mr. K.S.Riar, Advocate for the petitioner.

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**MANDEEP PANNU J.**

1. The petitioner has approached this Court under Article 227 of the Constitution of India seeking to set aside the order dated 27.10.2025 passed by the learned Civil Judge (Junior Division), Patiala, dismissing his application for abatement of rent proceedings.

2. The relevant facts necessary for adjudication are that the respondent-landlord had filed a rent petition before the Rent Controller, Patiala seeking eviction of the petitioner from the premises in dispute on the ground of bona fide personal requirement. The petition specifically disclosed that the premises were required for the business of the landlord's daughter-in-law, namely Nisha Sharma, who possessed relevant professional qualifications in Garment Production and Entrepreneur Management and for whom the landlord intended to establish a boutique and ready-made garments showroom. During the pendency of the said proceedings, Gurdeep Singh, the landlord, expired on 16.04.2025. An application was thereafter moved for impleading his legal representatives on the basis of a

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Will said to have been executed by the deceased. The petitioner thereafter moved an application contending that the proceedings stood abated on account of the death of the landlord. This application was dismissed by the Rent Controller through the impugned order.

3. Considering the matter to be short and capable of being decided on the basis of material on record, no notice was issued to the respondents in the present revision petition.

4. The core submission of the petitioner is that the ground of personal requirement as projected by the original landlord cannot survive after his death, and further, that the non-impleadment of the daughter-in-law, for whose use the premises were sought, is fatal to the continuation of the proceedings. It is also argued that the Will set up by the legal representatives discloses only the son as successor, and therefore, according to the petitioner, the alleged necessity does not enure to anyone after the death of the landlord. Heavy reliance is placed upon the judgment of the Hon'ble Supreme Court in *Kedar Nath Agrawal (dead) and another v. Dhanraji Devi (dead) by LRs and another, 2004(2) RCR (Rent) 498*.

5. On examination of the rent petition itself and the impugned order, it becomes evident that the requirement pleaded was not the personal need of the landlord for his own occupation but a specific need projected for his daughter-in-law to run her own professional venture. The foundation of the cause of action was, therefore, not dependent upon the subsistence of the landlord's own physical need but upon the projected necessity of a family member. The mere demise of the landlord does not eclipse or destroy the personal requirement so pleaded, especially when such requirement pertains to a living family member whose need remains unaffected by the landlord's death. This finding of the Rent Controller is



consistent with settled principles governing the survivability of cause of action in eviction claims based on bona fide requirement of dependants or other family members.

6. The contention regarding non-impleadment of the daughter-in-law also lacks substance. The impleading of legal representatives serves only the procedural purpose of enabling the continuation of the proceedings. The person for whose benefit the eviction is sought need not be added as a party to the petition unless the statute specifically requires so. The personal necessity, being one projected by the landlord for a dependant family member, is not rendered invalid merely because such dependant is not impleaded. The proceedings, therefore, cannot abate on this ground.

7. The reliance placed upon the judgment in *Kedar Nath Agrawal's case (supra)* is misconceived and distinguishable on facts. In that case, the Supreme Court was concerned with a situation where the requirement pleaded by the landlord ceased to exist altogether due to subsequent events, and the Court emphasised the duty to consider such subsequent events when they strike at the very root of the necessity pleaded. The factual backdrop of the said case involved a personal requirement that had become wholly redundant as a result of the death of the parties for whom requirement was claimed. In the present matter, the cause of action was based on the need of a person who continues to exist, and whose necessity, as projected in the rent petition, remains entirely unaffected by the death of the landlord. The principle laid down in the above judgment is therefore inapplicable. Rather, the legal position that subsequent events are relevant only when they defeat or nullify the very basis of the claim supports the conclusion that the present proceedings do not abate, as the necessity survives intact.

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8. Even the Will set up by the legal representatives does not hold the consequence sought to be attributed by the petitioner. The fact that the son has succeeded to the estate of the deceased landlord does not efface the requirement already pleaded in favour of the daughter-in-law. The landlord's demise merely shifts the person entitled to prosecute the petition but does not wipe out the cause of action. A contrary interpretation would unjustly defeat bona fide requirements projected in favour of dependants merely due to the landlord's death, which is not the intent of the Rent Act.

9. Viewed from any angle, the findings recorded by the Rent Controller are well-reasoned and legally sound. The personal requirement survives, the cause of action continues, and no ground is made out to declare that the proceedings have abated. No jurisdictional error, perversity, or failure to exercise jurisdiction is established so as to justify interference under Article 227.

10. For the reasons recorded above, this Court finds no merit in the present revision petition. The impugned order dated 27.10.2025 does not call for any interference.

11. The revision petition is accordingly dismissed.

12. Pending application(s), if any, also stand disposed of.

December 03, 2025

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**(MANDEEP PANNU)****JUDGE**

Whether speaking/non-speaking : Speaking

Whether reportable : Yes/No