

117

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

CR No.2121 of 2015

Date of decision: March 25, 2015

Smt. Rattan Devi

.....Petitioner

Versus

Prem Chand (since deceased) through his legal heirs

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vaibhav Sehgal, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the orders dated 03.03.2015 and 26.08.2014.

I have heard learned counsel for the petitioners and have gone through the record available on the file carefully.

Petitioner has sought ejectment of the respondents from the premises in question by filing petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973. At the time of filing of the petition, respondents No.2 and 3 were minor. Written statement was filed by respondent No.1 on behalf of herself as well as on behalf of her minor children. During the pendency of the petition, respondent No.2 attained the age of majority and moved an application that he may be permitted to pursue the petition in his own right. The said application was not opposed by the counsel

for the petitioner and was allowed vide order dated 26.08.2014. The said order reads as under:-

“Reply to the application not filed. Rather learned counsel for the petitioner endorsed no objection on the above said application under order 32 Rule 12 filed on behalf of the respondent no.2. Heard, in view of the contents of the application as well as no objection endorsed by the learned counsel for the petitioner, application is allowed and respondent no.2 is permitted to contest his case on his own capacity. Accordingly, amended title is filed. Now to come up on 9.9.2014 for filing reply on behalf of respondent no.2.”

Thereafter, petitioner filed an application for review of the order dated 26.08.2014. The said application was dismissed by the trial Court as the order dated 26.08.2014 was not liable to be reviewed.

Since the order dated 26.08.2014 had been passed as the counsel for the petitioner had stated that he had no objection qua the application filed by respondent No.2 to contest the case in his own right, no ground for interference by this Court, is made out. Moreover, respondent No.2 could seek permission to continue the suit in his own right after attaining the age of majority.

Dismissed.

**(SABINA)
JUDGE**

March 25, 2015

m.singh