

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2663 of 2015

Date of Decision.22.04.2015

Som Nath

.....Petitioner

Versus

Abdul Shakoor (now deceased) through LRs

.....Respondent

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

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petition for ejection was sought on the ground of personal requirement of the landlord and before the pronouncement of the judgment, the landlord has expired and the legal representatives are sought to be brought on record. The Court has allowed the petition.

2. The tenant in revision would contend that the landlord had pleaded for his own requirement and had not stated the requirements of any of the members of the family and therefore, legal representatives were brought on record to continue the proceedings. Order 22 CPC itself will apply only in a case where the right to sue survive and in this case the right does not survive for the legal representatives to plead on behalf of the landlord himself.

3. The argument is fallacious for, if the landlord is now no more and the legal representatives become the landlord as well, it should be competent for such legal representatives to plead their own

requirement and continue the proceedings with right to the tenant to plead that there is no such requirement. What is pleaded by the landlord originally may not obtain to the benefit of the legal representatives but that would not prevent the legal representatives to plead their own requirement to continue the proceedings. It shall become unnecessary for relegating persons claiming inheritance to come with their own independent action for eviction and treat the present petition as having abated. It will subserve justice to allow for continuation of proceedings through the legal representatives but with appropriate statement which could support action for eviction. If such statement or evidence is not available, the defendant can fend off the threat of eviction by appropriate defence in the proceedings.

4. The order is confirmed but with the above observations.
The civil revision is dismissed.

(K. KANNAN)
JUDGE

April 22, 2015
Pankaj*