

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

C.R. No.3766 of 2015

Date of Decision.28.05.2015

Rajwinder Singh

.....Petitioner

Versus

Dr. Parmod Kumar Gupta and others

.....Respondents

Present: Mr. O.P. Goyal, Senior Advocate with
Mr. Ranjeet Singh Kang, 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 petitioner, who claims as a beneficiary under a Will of one Manjit Kaur Bawa, has sought for payment of 1/3rd rent from the tenant of Manjit Kaur Bawa on plea that he has been granted 1/3rd share in respect of the property that is demised to the tenant. Under the terms of the Will propounded by the petitioner, it appears that son and daughter have each been granted 1/3rd share. The petitioner's prayer for deposit of 1/3rd share rent has been declined and hence, this petition.

2. The appropriate remedy in such a case where the tenant is not prepared to attorn the tenancy to the extent to which the petitioner claims to file a suit against the tenant as well as the son and daughter and seek for ascertainment of his right in the property and for payment of rent. Any amount received by the son and daughter will ultimately

abide by an adjudication regarding the validity of the Will and the extent to which the petitioner is able to show himself to be the owner. The right of recovery of the amount to the extent to which the petitioner is entitled to will also be available on the security of property belonging to the son and daughter under the Will propounded by the petitioner. Since the petitioner has appropriate alternative remedy as well, I will not think that the petitioner could be seriously prejudiced by the impugned order.

3. The revision petition is consequently dismissed.

(K. KANNAN)
JUDGE

May 28, 2015
Pankaj*