

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

C.R. No.5464 of 2013 (O&M)

Date of Decision.05.05.2015

Neelam Kamra

.....Petitioner

Versus

Chander Mohini and another

.....Respondents

Present: Mr. Ajay Jain, Advocate
for the petitioner.

Mr. Yogesh Goel, Advocate
for the respondents.

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 revision petition is at the instance of an agreement holder from the landlord vendor. The landlord has filed a petition for eviction but it appears that the petitioner acting on the terms of the agreement as empowering him to vacate the tenant at his instance, has claimed possession of the property from the tenant on the basis of the subsequent event which has taken place. After the institution of the petition for eviction, the petitioner has moved an application for substitution. The substitution has been denied.

2. The substitution will not be appropriate remedy, for, the landlord is entitled to prosecute a petition for ejectment since at the time of institution of the petition the tenant was in possession.

Whether an act of delivery of possession of property in favour of the

agreement holder will put an end to tenancy will be a matter for adjudication in the rent petition and it will not be appropriate to allow the agreement holder to be substituted as the petitioner in the Court. The petitioner could be impleaded as a party co-respondent along with the tenant and the matter will go for an adjudication in the manner directed above.

3. The impugned order is set aside and modified as above. The civil revision is allowed to the above extent.

(K. KANNAN)
JUDGE

May 05, 2015
Pankaj*