

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

SR.NO.215-CR.NO.6039-2013(O&M)

Chander Kalan

.....Petitioner

VS

Narinder Kumar Arya and another

.....Respondents

AND

CR-6065-2013(O&M)

Decided on: 01.05.2015

Chander Kalan

.....Petitioner

Vs

Narinder Kumar Arya and another

.....Respondents

CORAM HON'BLE MR. JUSTICE K.KANNAN

Present Mr. Akshay Kumar Goel, Advocate for the petitioners
in both cases.

Mr.Dhawal Partap Singh, Advocate for the respondents
in both cases.

K.KANNAN, J

Both petitions are connected and disposed of jointly.

It is reported that the petitioner / landlord has expired. The order passed will be taken as the landlord is still alive in the light of provisions of order 22 Rule 3 CPC (Punjab Amendment) that makes possible for such a presumption for the limited purpose of dismissal of the revision petitions.

There is simply no justification for a petitioner / landlord to arrive before this Court to complain that a short issue regarding the partnership set up by the respondents / tenant must be specifically framed.

The petition is for ejectment on several grounds including the plea of sub tenancy. If the tenant seeks to explain that there is no sub tenancy but he is only operating a partnership with another person, it is for him to establish the same. The issue already framed whether there exists a sub tenancy or not will take care of whether there is a partnership as pleaded by the respondents. There is

no need for framing a separate issue but the Court will mind the pleadings of parties and the plea taken in defence by the tenant to adjudge whether there is a plea of sub letting, whether proof of sub letting has been made in the manner sought for by the petitioner.

There is nothing illegal about the order that found no need to frame a separate issue. The main issue regarding sub tenancy will take care of the need to adjudge whether the plea of partnership is true or not.

I make no interference with the impugned order and the petitions are dismissed.

There will be appropriate steps taken during the trial for impleadment of the legal representatives of the deceased petitioner.

01.05.2015

mamta

(K.KANNAN)**JUDGE**