

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

CR-2743-2004 (O&M)

Date of decision : 21.04.2016

Hari Sharma (deceased) through LRs.

..... Petitioners

versus

Vishnu Dutt and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. O.P.Goyal, Senior Advocate with
 Mr. Mukesh Verma, Advocate
 for the petitioner.

Mr. Ashish Gupta, Advocate
for the respondents.

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?

AJAY TEWARI, J. (Oral)

This revision has been filed against the concurrent orders of the Courts below.

On 20.05.2015 the following order was passed :-

“The landlord who has sought the property for ejectment for personal requirement has expired during the pendency of the appeal. His sons as legal representatives have been brought on record. The counsel seeks for time for making an appropriate application for the amendment to continue the proceedings and bring subsequent events that will allow for consideration of their requirement. I had originally suggested that the matter could be remanded to the Rent Controller for consideration of the subsequent events and the plea made by the legal representatives for their requirement. The counsel

for the tenant is not agreeable for such a course and would contend that the case must succeed or fall on the original pleadings and that the matter cannot be remanded.

Adjourned to 29.7.2015.

The petitioner will be at liberty to make an application for amendment, in the meanwhile, after serving copy of the petition to the respondent.”

No application has been filed.

In my opinion it is not disputed that the need which was projected was that of the deceased-landlord and there was no averment that any or either of his sons would assist him in that business. During the pendency of the present petition the original landlord has died. Thus this is one of those rare cases where it has to be held that the need of the landlord has been totally eclipsed.

Resultantly this petition is dismissed.

Needless to say any fresh petition on any fresh ground can be filed by the legal representatives.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

April 21, 2016

Pooja sharma-I