

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

CR No.2655 of 2015

Date of Order: 22.08.2017

Ashok Kumar

....Petitioner

Versus

Sherjang Singh and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Tribhawan Singla, Advocate for the respondents.

JASWANT SINGH, J (ORAL)

The petitioner-tenant was ordered to be evicted from the demised shop bearing Municipal No.B-1/481 situated at Handiaya Bazar, Municipal Council, Barnala vide order dated 04.10.2013 passed by the learned Rent Controller, Barnala on the ground of personal necessity of the landlord-Sherjang Singh in the petition filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. The findings were affirmed by the Appellate Authority, Barnala vide order dated 26.02.2015 while dismissing the appeal of the tenants.

Present revision is filed against the concurrent findings by impleading the LRs of the landlord-Sherjang Singh, who was stated to have died on 20.4.2015 after the passing of the order passed by the Appellate Authority, Barnala.

This Court had issued notice after taking into account the fact of death of the landlord, as a consequence of which, the ground of personal and exclusive need of the landlord became non-existent.

At the time of hearing, learned counsel for the

respondents-landlords submits firstly that the death of the landlord-Sherjang Singh is after the passing of the order passed by the Appellate Authority, and, therefore, the revisional jurisdiction having not been in continuation of the original proceedings, the death of the landlord-Sherjang Singh does not efface the finding of personal necessity as rights are crystallized on the date of filing of the eviction petition. Secondly, it is submitted that the possession of the demised shop through the process of the Court was delivered on 18.4.2015 i.e even before the issuance of notice of motion by this Court on 24.9.2015.

In view of aforesaid, present petition is rendered infructuous and the same is dismissed as such.

August 22, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No