

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

CR No.3949 of 2015 (O&M)

Date of Decision: 3.8.2017

Mohinder Singh

... Petitioner

Versus

Kartar Singh (deceased) through LRs & Ors

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sanjiv Gupta, Advocate for the petitioner

Mr.Rakesh Gupta, Advocate for respondents

RAJIV NARAIN RAINA, J. (Oral)

1. The father of the petitioner filed an eviction petition against a respondent tenant taking the plea that he needed the demised premises for his son, Parminder Singh for settling him in his business. The father died during the pendency of appeal before the Appellate Authority. During the pendency of this revision, the son, Parminder Singh for whom the bona fide need was pleaded, has also passed away. With the death of Parminder Singh, the cause of action has abated, as frankly admitted by the parties..
2. Accordingly, this revision petition succeeds. The impugned judgment dated 23rd April, 2015 passed by the appellate authority has to be set aside. It is so ordered.
3. However, arrears of rent, if any due, be paid to Harjinder Kaur wife of late Kartar Singh by the tenant within one month and the agreed rent be paid regularly in the future on the 10th day of every month, with default in payment of rent entailing eviction in accordance with law.
4. In case a fresh cause of action arises to the landlord for eviction of the tenant, the present proceedings will have no bearing on

the fresh cause of action as may arise and will not be read adversely against the existing landlord/s of the tenanted premises.

3.8.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No