

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

**CM-20267-68-CII-2018 in/and
CR-3078 of 2014 (O&M)
Decided on: 29.10.2018**

Ranjit Kaur

.....Petitioner

Versus

Amrit Pal Singh

.....Respondents

**CM-30355-CII-2018 in/and
CR-4065 of 2014 (O&M)**

Ranjit Kaur

.....Petitioner

Versus

Harpal Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vaibhav Sehgal, Advocate,
for the petitioner.

Mr. Rahul Rampal, Advocate,
for the respondents.

ANIL KSHETARPAL, J. (Oral)

Landlady is in the revision petition against the order passed by learned Appellate Authority, reversing the judgment of the Rent Controller and dismissing the petition filed for eviction of the tenant(s) on the ground of bona fide requirement of the landlady. Admittedly, landlady has already died. Applications have been filed for impleading the legal heirs of the landlady under Order 6 Rule 17 of the Code of Civil Procedure, with permission to amend the rent petition so as to plead the necessity of the legal heirs.

In the considered view of this Court, since in the present case, the findings of the Appellate Authority on bona fide requirement of landlady are against her, therefore, it would be more appropriate if the legal heirs are permitted to file a fresh eviction petition.

Hence, both the revision petitions are dismissed as

infructuous, because the bona fide requirement is a personal right and since the landlady has already died, therefore, ground of personal necessity does not survive. Learned counsel for the petitioner submits that the proceedings for eviction have remained pending for more than seven years.

Keeping in view the aforesaid facts, it is ordered that if the legal heirs file a fresh petition, the Rent Controller would make sincere attempt to decide the same within a period of one year from the date of filing.

Ordered accordingly.

29.10.2018

Ajay Goswami

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No