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

**CR No.4610 of 2017
Date of Decision: 07.09.2018**

Raj Rani

.....Petitioner

Versus

Deek Chand

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Kushagra Mahajan, Advocate
for the petitioner.

Ms. Veenus Dhaka, Advocate
for the respondent.

ANIL KSHETARPAL J.(ORAL)

Landlady-petitioner has challenged the order passed by the learned
Rent Controller, operative part whereof reads as under:-

I have heard both the counsels and gone through the file. It is well settled law that no body should remain unheard in interest of justice. It is also settled law that it is upon the LRs to come on record themselves. Therefore, with these observations and in order to avoid any future complications, the present application under consideration is hereby allowed. Now, to come upon 30.05.2017 for filing amended title.

Smt. Raj Rani, the petitioner-landlady, filed a petition under Section 13 of The East Punjab Urban Restriction Act, 1949, claiming that Viran Devi, was allotted a plot who was her mother-in-law. It was further pleaded that petitioner had inducted the respondent as a tenant 20-25 years

ago. Ejectment was sought on various grounds. Tenant filed reply and took a plea that respondent has paid rent up to 31.07.2013, although, it was claimed that rent has been paid to the legal heirs of Viran Devi.

During the pendency of the petition, application was filed under Section 151 CPC by the respondent-tenant for impleading all heirs of Smt.Viran Devi. As noticed above, the Court allowed the application considering it to be an application for bringing on record the legal heirs.

It is well settled that landlord is not necessarily required to be owner of the property. There is a case where petitioner has filed a petition claiming that she let out the property 20-25 years back. In this situation, there was no occasion for the Court to allow the application for bringing on record the legal heirs, once petitioner was alive.

Hence the order under challenge is set aside.

Revision petition is allowed.

All the pending miscellaneous application(s), if any, is/are disposed of in terms thereof.

(ANIL KSHETARPAL)
JUDGE

September 07, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No