

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

115

CR No.5133 of 2015 (O & M)
Date of Decision:21.08.2018

Harjinder Kaur and others

...Petitioners

Versus

Rachna through LRs

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S. Guliani, Advocate
for the petitioners.

Ms. Suman Devi, Advocate for
Ms. Deepali Puri, Advocate
for the respondent.

ANIL KSHETARPAL, J.(Oral)

Tenants-petitioners are in the revision petition against the order passed by the learned Rent Controller affirmed by the Appellate Authority ordering his eviction on the ground of bona fide requirement of the landlady. During the pendency of the petition before the Appellate Authority, the landlady had died. Learned counsel for the petitioners submitted that since the landlady has died, therefore, bona fide requirement being personal, has ceased to exist. On the other hand, learned counsel for the respondent-landlady pointed out that she wishes to plead the necessity of the legal heirs although, it was admitted that necessity of the legal heirs has not been pleaded. Keeping in view the subsequent development, it has become necessary to remit the case back to the Rent Controller for permitting the parties to amend their pleadings and lead evidence in support

thereof. In view thereof the order passed by the learned Rent Controller as

well as Appellate Authority are declared infructuous and case is remitted back to the learned Rent Controller and to permit the legal heirs of the landlady to amend the pleadings.

Keeping in view the fact that the rent proceedings are pending for the last 11 years, Rent Controller is requested to expeditiously decide the petition.

Parties through their counsel are directed to appear before the learned Rent Controller on 10.09.2018.

Revision petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

21.08.2018
sheetal

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No