

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

110

CR-7061-2017 (O&M)

Date of Decision : 11.01.2018

Shrichand (deceased) through LRs Gulabi Devi and others

..... Petitioners

Versus

Daulat Ram and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sharad Choudhary, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

This revision has been filed against the concurrent judgments of the courts below allowing an application for eviction filed by the respondent No.1.

The case of the landlord was that the respondent No.1 had given the premises to Shrichand and the present proforma respondents i.e. respondents No.2 and 3 being his grandsons were also staying with him and had unauthorizedly opened a shop in the premises. Joint written statement was filed in which a case of blanket denial was set up. The plea taken was that the respondent No.1 had no connection with the property and it was owned by Shrichand. During the pendency of the petition before the Rent Controller Shrichand died and the other respondents stopped appearing. They were consequently proceeded against ex-parte. No application for impleading any LRs of Shrichand was made at that time. After about 1½ years an application was moved for impleading the present petitioners as

LRs on the ground that Anil and Sunil, the grandsons (respondents No.2 and 3) had started colluding with the respondent No.1 after the death of Shrichand and rather the present petitioners were staying in the property with Shrichand. The Rent Controller by order dated 15.07.2014 rejected the application by noticing that after the death of Shrichand when the respondents had been proceeded against ex-parte they had moved an application for setting aside the ex-parte proceedings and they would not have done this had they been colluding with the respondent No.1. The Rent Controller held that the application at that stage was merely an attempt to prolong the proceedings by using unfair means and rejected it.

The whole case hinges ultimately on this rejection because if the petitioners have wrongly been denied to be impleaded as LR's the case would have to be reheard. I requested the counsel to hand-over me a copy of the reply filed in the eviction petition. He has fairly accepted that the said reply was filed jointly by Shrichand, Anil and Sunil and it was nowhere pleaded by Shrichand that Anil and Sunil were not staying with him. In the circumstances, this argument cannot be pressed into play. On merits it would be seen that Shrichand had denied the title of his landlord. Consequently, no fault can be found with the findings of the courts below.

Revision is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

January 11, 2018

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No