

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

CR-7727-2019 (O&M)

Date of decision : 02.03.2020

Kanta Jain

...Petitioner

Versus

Ramavtar Gupta

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjeev Sharma, Advocate for the petitioner.

Mr. Manoj Makkar, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

There is an order of ejectment passed under the Haryana Urban (Control of Rent and Eviction), Act, 1973 against late Sh. Om Parkash. The Decree Holder filed the execution petition for delivery of possession. The warrants of possession were issued. It was reported that the Judgment Debtor has already died.

Learned Court on an application filed, brought on record the son of Judgment Debtor as his legal representative. Learned counsel for the petitioner contends that the legal heir is continuing in possession and, therefore, the Executing Court erred in refusing to pass order with respect to deposit of arrears of rent.

Learned Court, has only ordered respondent to be brought on record as legal heir of Judgment Debtor. Hence, there is no ground to interfere.

The petitioner herein (Decree Holder) shall be at liberty to move an application before the Executing Court to recover the arrears of rent, if any, which shall be decided by the Court in accordance with law.

In view of the above, the present revision petition is disposed of.

02.03.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No