

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

CR No.4880 of 2022 (O&M)

Date of decision: 16.11.2022

Phoolan Rani and others

..... Petitioners

Versus

Niranjan Singh Bahra (deceased) through his legatee

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. C. L. Sharma, Advocate
for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

The tenants/judgment-debtors are impugning the order dated 15.10.2022 passed by the learned Rent Controller, Hoshiarpur, wherein their objections to the effect that on account of the death of landlord, his *bona fide* requirement of the demised premises had come to an end, were dismissed.

Learned counsel for the petitioners/judgment-debtors submits that the impugned order is contrary to the settled principles of law and thus, deserves to be set aside. He further submits that after the death of landlord-Niranjan Singh Bahra, his wife has initiated execution proceedings against the petitioners on the basis of a Will without disclosing or impleading other LR's of said Niranjan Singh Bahra. He still further submits that in the said execution application filed by the wife of late Niranjan Singh Bahra, she had not even uttered a single word about her intention to return to India and settle here. Therefore,

once the original landlord had died and even his wife had not pleaded her intention to return and reside in India, the petitioners could not be evicted in furtherance of the order dated 21.11.2013 passed by the learned Rent Controller. He still further submits that as per Section 19 of the East Punjab Urban Rent Restriction Act, 1949, if the person, who gets the demised premises vacated under Section 13-B of the Act, does not occupy the same for a continuous period of three months from the date of such eviction or lets out whole or part of such building, he/she would be liable for punishment with imprisonment for a term which may extend to six months or with fine. However, in the instant case, the demised premises was got vacated by late Niranjana Singh Bahra and now, if his wife is given the possession, then in that eventuality, learned counsel contends that no action under Section 19 of the Act could be initiated against her, in case, she fails to occupy or lets out the demised premises to someone else.

I have heard learned counsel for the petitioners and perused the relevant material on record.

Admittedly, landlord-Niranjana Singh Bahra died after passing of the eviction order dated 21.11.2013, therefore, it cannot be said that his wife, being an LR of the landlord, and who has stepped into his shoes, cannot be permitted to take possession of the demised premises in furtherance of the ejectment order. It would be most pertinent to point out here that during the lifetime of the deceased-landlord, eviction had been ordered and hence it is not at all necessitated for the landlord's wife to either plead her intention to

return and reside in India or to implead all the LR's, when the estate of the deceased was being duly represented.

Furthermore, execution of the eviction order cannot be denied merely because of the petitioners' apprehension that he would not be able to take any action under Section 19 of the Act against the wife of deceased-landlord, in case, she failed to occupy or let out the demised premises to someone else.

In view of the above facts and circumstances, the instant petition being devoid of any merit is dismissed.

16.11.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No