

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No. 6147 of 2022 (O&M)

Date of decision : 22.12.2022

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Sharanjit Singh (deceased) through LR

.....Petitioner

vs.

Ranjit Singh and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. K.S. Dhillon, Advocate for the petitioner.

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H. S. Madaan, J.

1. Briefly stated, facts of the case are that, one Sharanjit Singh, had filed an ejectment petition against respondent Ranjit Singh. During the course of those proceedings, pending before Rent Controller, Jalandhar, petitioner – landlord Sharanjit Singh expired and his legal heirs, namely, his wife Manjit Kaur, daughters Harpreet Kaur Bhatia and Tinki Bhatia and son Lucky Bhatia, were brought on record. The respondent – tenant had tendered the amount assessed as provisional rent on 10.7.2019, which amount was received by counsel representing the petitioner on his behalf. The petitioner – Sharanjit Singh was alive at that time. After death of Sharanjit Singh, his daughters Harpreet Kaur Bhatia and Tinki Bhatia, through another counsel, had filed an application to release

the rent tendered by respondent and issue a direction to Lucky Bhatia, to pay the amount to them.

2. Inter alia in the application, it was further submitted that Lucky Bhatia be directed not to represent the applicants as legal heirs of petitioner Sharanjit Singh. That application was opposed by Lucky Bhatia. Learned Rent Controller, vide impugned order dated 6.5.2022, dismissed the application observing that at the time of payment of provisional assessed rent, the petitioner was alive and the counsel representing him had received that amount on behalf of the petitioner. In that way, the prayer of the applicants qua payment of their share in the rent by Lucky Bhatia, cannot be accepted. With regard to the second prayer in the application, that a direction be issued to Lucky Bhatia not to represent them in the present petition, it was observed that when an application for impleading the LR's of deceased Sharanjit Singh, was submitted by Lucky Bhatia, claiming himself to be son of deceased petitioner, he had mentioned the names of other legal heirs also. All of them have been brought on record and their names are there in the amended title, though the case is being pursued by Lucky Bhatia only. Therefore, no direction can be passed against Lucky Bhatia.

3. Furthermore, it has to be noticed that counsel Mr. R.K. Bhalla, who was representing deceased petitioner – Sharanjit Singh, is still appearing on behalf of LR's of Sharanjit Singh and there is no occasion for issuing any such direction to Lucky Bhatia, not to represent the applicants. The application so filed, was rightly rejected

by the Rent Controller, Jalandhar, vide impugned order.

4. The revision petition filed by petitioner Harpreet Kaur Bhatia through her attorney Surinder Singh Bhatia, lacks merits and is doomed for failure. It is dismissed accordingly.

22.12.2022
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(H.S. Madaan)
Judge

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