

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6595-2018 (O&M)
Date of Decision: 05.01.2023

Kailash Petitioner

Versus

Rajesh Kumar Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Divanshu Jain, Advocate,
for the petitioner.

Mr. Subhash Ahuja, Advocate, and
Mr. Karanveer Ahuja, Advocate,
for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Section 15(5) of the East Punjab Urban Rent Restriction Act seeking quashing the impugned order dated 27.04.2015 passed by the Rent Controller, U.T., Chandigarh, and the impugned order dated 23.01.2018 passed by the Appellate Authority, Chandigarh.

It has been pointed out by the learned counsel for the respondent that the petitioner has since expired and the eviction was sought on the ground of personal necessity of petitioner alone. Therefore, the present petition has been abated; because the petitioner was issueless and there are no undisputed legal heirs of the petitioner.

On the other hand, learned counsel for the petitioner has submitted that the petitioner was having an adopted daughter, who has filed an application for being impleaded as legal heir in the present petition. In any case, since there is a finding recorded by the courts below qua landlord-

tenant relationship, therefore, the said finding is likely to come in the way of any legal heir, if any fresh petition is filed.

Since, the petition stands abated and even the issue was not framed in the present proceedings qua landlord-tenant relationship, it would be appropriate if the present petition is disposed of as having been abated; with liberty to any of the legal heir of the petitioner to file a fresh petition by establishing his/her succession right; and by keeping the issue of landlord-tenant relationship open.

Accordingly, the present petition is disposed of as having been abated. However, if any person claims to be the legal heir of the petitioner-Kailash, then he/she shall be at liberty to file and maintain a fresh petition on all possible grounds available under the Act by proving his/her status as a legal heir. In the eventuality of filing of any such petition, the findings recorded in the present proceedings qua landlord-tenant relationship shall not stand in the way of such a person.

CM-4745 & 4746-CII-2020 AND
CM-21178 & 21179-CII-2018

Since the main petition has been disposed of as having been abated, therefore, the present applications are disposed of as having been rendered as infructuous.

(RAJBIR SEHRAWAT)
JUDGE

05.01.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No