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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 12.09.2023

+ CM(M) 1469/2023 & CM APPLs. 46805/2023, 46806/2023, 46807/2023

AMARJEET SINGH

..... Petitioner

Through: Mr. Praveen Suri and Ms. Kaberi Sharma, Advocates.

versus

MOHAN DASS TALREJA (SINCE DECEASED) THROUGH LRS AND OTHERS

..... Respondent

Through:

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 46805/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application is disposed of.

CM(M) 1469/2023 & CM APPLs. 46806/2023, 46807/2023

1. This petition impugns the order dated 19.08.2023 passed by the Additional Civil Judge acting as an Additional Rent Controller, Central District, Tis Hazari Courts ('Trial Court') whereby the application filed by the Mr. Ashok Talreja under Order 22 Rule 3, Code of Civil Procedure 1908 ('CPC') has been allowed by the Trial Court and Mr. Ashok Talreja has been brought on record as the legal representative of the deceased Shri Mohan Dass



Talreja.

2. The Petitioner herein was impleaded in the eviction petition on the averment that he is the tenant. The eviction petition was filed by late Shri Mohan Dass Talreja holding himself out to be the landlord ('landlord') of the tenanted premises i.e., Shop No. 6583 forming part of Property bearing Municipal No. XII/6582 to 6584, situated at M.M Road, Bara Hindu Rao, Delhi ('tenanted premises')

2.1. It was the stand of the landlord that the tenanted premises are required by him on the ground of bona fide requirement for his son Shri Ashok Talreja. The eviction petition has been filed under Section 14(1)(e) of the Delhi Rent Control Act, 1958. Sh. Mohan Dass Talreja who passed away on 15.07.2023.

2.2. After the demise of the Sh. Mohan Dass Talreja, an application was filed under Order 22 Rule 3 read with Section 151 CPC by his son Sh. Ashok Talreja enlisting the details of his Class I Legal Heirs including his wife, son and three (3) daughters.

2.3. Sh. Ashok Talreja also placed on record the registered will dated 10.12.2021 of Sh. Mohan Dass Talreja whereby the tenanted premises has been bequeathed in favour of Sh. Ashok Talreja exclusively. The registered will has been witnessed by two (2) of the daughters of the testator i.e., Smt. Sarika Nangia and Smt. Yogita Advani.

3. The Trial Court allowed the said application *vide* impugned order dated 19.08.2023 and impleaded Mr. Ashok Talreja as the legal representative of Sh. Mohan Dass Talreja. Being aggrieved by the said order, the Petitioner herein has filed the present petition seeking modification of the said order. He states that all the other Class I Legal Heirs of the deceased Respondent should have been brought on record or their 'No objections' placed on record.



4. Learned counsel for the Petitioner states that while the Petitioner does not admit that he is a tenant of the tenanted premises, however, he states that he is staking a rival claim for the said premises on the plea of adverse possession and he therefore has also filed a separate civil suit bearing no. 1182/ 2022 against late Sh. Mohan Dass Talreja.

4.1. He fairly states that though in his capacity as a tenant in this eviction petition, he cannot challenge the registered Will dated 10.12.2021, however, he apprehends that the impugned order shall cause prejudice to the Petitioner herein in the civil suit bearing no. 1182/ 2022 filed by him.

5. This Court is of the opinion that there is no error of law of fact in the impugned order passed by the Trial Court dated 19.08.2023. In the said petition, the applicant Sh. Ashok Talreja has placed on record the registered Will dated 10.12.2021 which is duly signed by two (2) of his sisters as attesting witnesses as noted hereinabove. It is pertinent to note that no independent/separate application has been filed by any other class I legal heirs of the deceased Sh. Mohan Dass Talreja for being substituted as his legal heirs in the eviction petition. Neither any application opposing the impleadment of Sh. Ashok Talreja have been made by the other Class I legal heirs.

6. Since, admittedly, the Petitioner herein is neither the beneficiary nor Class I Legal Heir of late Sh. Mohan Dass Talreja, he cannot raise any objection to the said Will dated 10.12.2021 and therefore, he cannot maintain this objection to the impugned order allowing his substitution.

7. According, the present petition is without any merit and is dismissed. Pending applications stand disposed of.

MANMEET PRITAM SINGH ARORA, J



SEPTEMBER 12, 2023/msh/ms

Click here to check corrigendum, if any