

2024:PHHC:137544



S. No.123

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-4459-2024

Date of Decision:21.10.2024

Usha Sood

.....Petitioner

Vs.

Ravinder Singh and others.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Narinder Kumar Vadhera, Advocate
for the petitioner.

DEEPAK GUPTA, J.

By way of this petition filed under Article 226 of the Constitution of India, petitioner prays to set aside order dated 21.03.2024 (Annexure P.4) passed in Rent Appeal No.229 of 2018 whereby application under Order 1 Rule 10 CPC moved by the petitioner was dismissed.

2. Perusal of the paper book would reveal that the ejectment petition was filed by landlord- Ravinder Singh (respondent No.1 herein) seeking ejectment of respondents – Aruna Irani and others (respondent Nos.2 to 4 herein) from the demised premises under Section 13 of the East Punjab Urban Rent Restriction Act. Said ejectment petition filed in November, 2014 was accepted on 25.10.2018. Against that ejectment order, the tenants filed an appeal which is stated to be pending before the Appellate Authority, Ludhiana. During pendency of that appeal, the petitioner – Usha Sood moved an application under Order 1 Rule 10 CPC to implead her as a party which has been dismissed.

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3. It is contended by learned counsel that initially Nand Lal was inducted as a tenant and after his death, the tenancy was inherited by his son Mahesh Dutt (now deceased and represented by respondents No.1 and 2) and five daughters, namely, Pushpa Lata, Shanti Devi, Santosh Devi, Veena Devi and Usha Devi. It is contended that they also stepped into the shoes of Nand Lal and, therefore, they were necessary parties and as such, application has been wrongly rejected.

4. After considering submissions of learned counsel, this Court does not find merit in the application. It has rightly been observed by learned Appellate Authority that ejectment petition was filed in 2014 which was decided after hot contest in 2018. Appeal is pending for the last six years and that after almost 10 years from the date of starting of the litigation, the application was moved. Not only this, in an earlier ejectment petition, the present petitioner- Usha Sood was duly served and was proceeded ex parte.

5. Learned Appellate Authority has also referred to **Pushpa Rani Vs. Bhagwanti Devi Law Finder (SC), Law Finder Doc #18160** and **Ashok Chintaman Juker Vs. Kishore Pandurang Mantri, Law Finder Doc #8635**, as per which after the death of tenants, legal heirs who are not in possession, have no right to be impleaded as party and that only the person in possession needs to be impleaded.

6. Learned counsel for the petitioner could not convince this Court as to when the petitioner had been married and as to whether she ever came in possession



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of the demised shop. On account of entire discussion, this Court does not find any illegality or perversity in the impugned order.

7. Dismissed.

October 21, 2024

(DEEPAK GUPTA)

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JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No