



CR-5819-2019 (O&M) AND CR-7363-2019 (O&M)

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

Sr. No.158

Date of Decision: 28.10.2024

1.

CR-5819-2019 (O&M)

HARMESH LAL

....Petitioner

Versus

SURINDER KUMAR

.....Respondent

2.

CR-7363-2019 (O&M)

SUNNY

....Petitioner

Versus

SURINDER KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rishabh Gupta, Advocate
for the petitioner(s) (in both the petitions).

Mr. Namit Gautam, Advocate
for the respondent (in both the petitions).

ARCHANA PURI, J. (Oral)

CM-19181-CII-2019 IN CR-5819-2019 AND

CM-23934-CII-2019 IN CR-7363-2019

Keeping in view the averments made in the applications, same
are allowed.

MAIN CASE

Challenge in CR-5819-2019 is to the order dated 05.07.2019
and in CR-7363-2019, is to the order dated 13.09.2019, passed by learned
Rent Controller, whereby the applications filed by the petitioner(s)-



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tenant(s), to strike off the affidavits dated 26.03.2019 and 13.02.2019, respectively, tendered in evidence by Ritu Bala, were dismissed.

In pursuance of the notice issued, respondent made appearance through counsel.

Learned counsel for the parties heard.

Facts germane to be noticed are that, initially, one Surinder Kumar-landlord, had filed the petitions under Section 13 of the East Punjab Urban Rent Retriktion Act, 1949, copies whereof are Annexure P-1, in the respective petitions, thereby seeking ejectment of the present petitioners, on the ground of pesonal necessity, as he required the demised premises for the need of his daughter-Ritu Bala, who had lost her husband on 22.02.2011. During the pendency of the said petitions, Ritu Bala, daughter of the landlord, had appeared as a witness and tendered into evidence her affidavit, which was thereafter withdrawn. Thereafter, on account of the medical issues, Surinder Kumar, was unable to appear as a witness and thereupon, his daughter-Ritu Bala, again appeared as the Attorney holder of her father-Surinder Kumar and filed the subsequent affidavits, being Attorney holder. Copy of this affidavit is Annexure P-5 in CR-5819-2019 and Annexure P-4 in CR-7363-2019.

However, these are the affidavits, which were resisted by the petitioner(s)/tenant(s), to be brought on record. As such, the applications were filed for striking off the affidavits tendered into evidence by Ritu Bala, upon which the impugned orders were passed, thereby dismissing the applications.

During the course of arguments, it was brought to the notice of the Court that the landlord-Surinder Kumar, had since died and his legal



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representatives have been impleaded. Since the legal representatives have been impleaded, Ritu Bala is again intended to be examined, as legal representative of the deceased-landlord.

In the given circumstances, the affidavit filed by Ritu Bala, as Attorney holder of her father-Surinder Kumar (since deceased), shall not be taken into consideration, as the Power of Attorney, executed in her favour, automatically comes to an end, at the death of her father. As such, the purpose of filing the applications for striking off the affidavits, for all intents and purposes, otherwise stands fulfilled. In the light of the same, there is no necessity to pass further appropriate order of dismissal of the application, for striking off the affidavits, as the said affidavits of Ritu Bala, shall not otherwise be taken into consideration, in the capacity of having appeared as Attorney holder. In any case, learned Trial Court, shall provide an opportunity, to the legal representatives, to proceed further with the evidence, while taking into consideration the fact of the death of Surinder Kumar.

In view of the aforesaid terms, the revision petitions are hereby dismissed.

28.10.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No