



IN THE HIGH COURT OF PUNJAB AND HAR YANA AT CHANDIGARH

126

CR-5974-2024 (O&M)

Date of Decision : 21.10.2024

Renu Sharma

....Petitioner

VERSUS

Shiv Narang and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rahul Jaswal, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed challenging the order dated 19.09.2024 whereby the application for impleading the petitioner as a party has been dismissed.

2. The brief facts relevant to the present *lis* are that the respondent No.1 herein had filed a petition for ejectment claiming himself to be a NRI. The ejectment was sought from the shop which is in possession of the legal heirs of Chaman Lal. The petitioner herein filed an application for being impleaded on the ground that all the legal representatives of Chaman Lal have not been impleaded. It was simply pleaded in the application that the valuable right had accrued to the petitioner and that the petition could not proceed in the absence of the petitioner. Reply was filed to the said application and vide the impugned order dated 19.09.2024 the application was dismissed. It has been observed by the Rent Controller in the impugned order that Manoj Kumar son of Chaman Lal has suffered a statement that his mother, namely, Santosh Kumari widow of Chaman Lal has expired on

13.03.2024 and his sister, namely, Rama Rani was married and residing at her house at Mukerian and also the other sister, namely, Ranu Bala was residing at Mukerian at her matrimonial home. The Rent Controller dismissed the application holding that they would not be necessary parties. Aggrieved by the same present revision petition has been filed.

3. At the outset this Court put a query to learned counsel for the petitioner to show any document that the petitioner had any stake in the business or was a partner or was actively involved in the day-to-day business. On 18.10.2024 learned counsel for the petitioner had sought time to place the said document on the record. Today learned counsel for the petitioner has candidly admitted that there is no such document.

4. Learned counsel for the petitioner would contend that the petitioner is a necessary party being one of the legal representatives of Chaman Lal who was the original tenant and hence the application has wrongly been dismissed.

5. Hon'ble Supreme Court in the case of **Suresh Kumar Kohli vs. Rakesh Jain & Anr. [2018(1) RCR (Rent) 461]** has held that when the original tenant dies the legal heirs inherit the tenancy as joint tenants, occupation of one of the tenant is occupation of all the joint tenants and it is not necessary for all the legal heirs to be impleaded. It was further held as under :

“ 20. We are of the view that in the light of H.C. Pandey (supra), the situation is very clear that when original tenant dies, the legal heirs inherit the tenancy as joint

tenants and occupation of one of the tenant is occupation of all the joint tenants. It is not necessary for landlord to implead all legal heirs of the deceased tenant, whether they are occupying the property or not. It is sufficient for the landlord to implead either of those persons who are occupying the property, as party. There may be a case where landlord is not aware of all the legal heirs of deceased tenant and impleading only those heirs who are in occupation of the property is sufficient for the purpose of filing of eviction petition. An eviction petition against one of the joint tenant is sufficient against all the joint tenants and all joint tenants are bound by the order of the Rent Controller as joint tenancy is one tenancy and is not a tenancy split into different legal heirs. Thus, the plea of the tenants on this count must fail.”

6. In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

21.10.2024
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO