

2025:PHHC:008010



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

CR-4540-2015 (O&M)

Date of Decision: January 20, 2025

Vijay Kumar

...Petitioner

Versus

Kharati Lal Marwaha

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

None for the respondent.

ARCHANA PURI, J.

During the pendency of the revision petition, filed by the petitioner-tenant, to challenge two affirmatory orders of eviction, an application bearing CM-17185-CII-2024 has been filed, to bring on record the subsequent development of purchase of property by the petitioner, in view of which, the eviction orders are liable to be set aside.

The essential facts, to be noticed, are as follows:-

That, Kharati Lal Marwaha-respondent had filed the petition for seeking ejectment of Vijay Kumar from the property, as detailed in the eviction petition and as reflected in the impugned order dated 25.09.2012.

He had filed the petition for seeking ejectment, on the ground of Vijay

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Kumar, being in arrears of rent and also about the demised premises required for his bonafide necessity.

After adducing of the evidence, vide impugned order dated 25.09.2012, the ejectment petition was allowed on the ground of bonafide requirement of the landlord and Vijay Kumar was given a period of two months to vacate the demised premises.

Feeling aggrieved, Vijay Kumar-petitioner(tenant) had filed an appeal and the same was also dismissed vide judgment dated 28.05.2015. Thereupon, Vijay Kumar had filed the revision petition in hand.

It is pertinent to mention that during the pendency of the revision petition, Vijay Kumar-tenant (petitioner) had died and his LRs were brought on record. Amended memo of parties is already on the record. Also, it is pertinent to mention that during the pendency of the revision petition only, it was brought to the notice of this Court by learned counsel for the petitioner that the demised premises has since been purchased by the sons of Vijay Kumar.

Thereupon, giving the details, the aforesaid application has been filed to apprise the Court about the subsequent events and the sale deeds have also been brought on record.

From the contents of the application, which are supported by the copies of the sale deeds, it is evident that the demised premises, at first instance, during the pendency of the revision petition, was sold vide sale deed dated 13.05.2016 to one Madhvi Bedi (1/3rd share) and one Kudrat Bedi (2/3rd share) and the boundaries of the shop, do tally with the

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boundaries, as given in the eviction order. Subsequently, the demised premises was purchased by the sons of petitioner-Vijay Kumar, vide sale deed dated 20.12.2022.

As evident from the copy of sale deed, the demised premises was purchased by Sandeep Arora and Rajiv Arora, who have been impleaded as LRs of Vijay Kumar. Keeping in view the same, a submission has been made by learned counsel for the petitioner that the tenancy rights have merged into the ownership rights.

In view of the submission so made, which is supported by an affidavit of Rajiv Arora s/o deceased-tenant namely, Vijay Kumar and also considering the copies of sale deeds, coming on record, which sufficiently tally with the demised premises, the tenancy rights have merged into ownership rights.

Resultantly, keeping in view the events, whereby, two subsequent sales have been effected and finally, the LRs of Vijay Kumar, as such, have purchased the property, the present revision petition is allowed and the ejectment orders dated 25.09.2012 and 28.05.2015 are hereby set aside.

The pending civil misc. applications, if any, shall stand disposed of.

January 20, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No