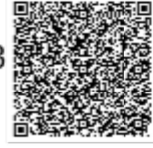


2025:PHHC:125688



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

CWP-27091-2025

Date of Decision: 11.09.2025

Dimple Irene

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 27.11.2019 (Annexure P-2) passed by the learned Collector, Tarn Taran, whereby the eviction petition filed under Sections 4 and 6 of the Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997 (in short 'the 1997 Act'), by respondent No.4 – Amritsar Diocesan Trust Association (Regd.) against Dr. (Miss) S.M. Karanjia, was allowed.

1.1 A further prayer has been made for setting aside order dated 15.06.2023 (Annexure P-4) passed by the learned Collector, Tarn Taran, whereby eviction of the petitioner has been ordered in the Execution Application seeking execution of the aforesaid eviction order dated 27.11.2019 (Annexure P-2).

1.2 Another prayer has been made for setting aside order dated 28.03.2025 (Annexure P-5) passed by the learned Divisional Commissioner, Jalandhar, whereby an appeal filed by the petitioner against the aforesaid order dated 15.06.2023 (Annexure P-4) has been dismissed.

2. Briefly, Dr. S.M. Karanjia was working as Medical Superintendent with St. Mary Hospital, Tarn Taran, (which was run by respondent No.4 – Trust) and was dismissed from service on 11.12.1989. She challenged her dismissal before the Civil Court but her suit was dismissed vide order dated 05.04.2005. The appeal preferred against the said order was also dismissed by the learned District Judge, Amritsar, vide order dated 08.05.2009.

2.1 It appears that Dr. S.M. Karanjia was provided with a house accommodation by respondent No.4 – Trust but she did not pay rent w.e.f. 15.12.1989, whereupon an eviction petition was filed by respondent No.4, along with a claim for arrears of rent. During the pendency of the said eviction proceedings, Dr. S.M. Karanjia expired. Subsequently, the learned Collector, Tarn Taran, vide order dated 27.11.2019 (Annexure P-2), ordered the eviction of the legal heirs of Dr. S.M. Karanjia, who had illegally occupied the house in question, by observing as under:-

“On hearing of the arguments of the learned counsels and on careful perusal of the record produced on the file it is apparently clear that the respondent was working as Medical Superintendent in the Hospital St. Mary, Tarn Taran of the applicant because of which reason she was given one house on rent at the rate of 3000 rupees per month. That the respondent has been got dismissed from service on dated 11.12.1989 by the applicant and against the same she preferred the appeal before the Civil Court which also stands dismissed vide orders dated 05.04.2005 against which the appeal was preferred

before the Court of District and Sessions Judge, Amritsar and the same also stands dismissed vide order dated 08.05.2009. That respondent Dr. S.N. Karanjia has expired some time ago and now her legal heirs have illegally possessed the house in question. Thus, while agreeing with the submissions made by the counsel for the applicant and while exercising the powers under Sections 4 and 6 of Punjab Religious Premises & Land (Eviction & Rent Recovery) Act, 1997 the present application is accepted and the legal heirs of the respondent are directed to be evicted from the house in question and direction is issued for recovery of rent at the rate of Rs.3000 per month along with 12% interest from 15.12.1989 till date. On expiry of the limitation for filing of the appeal the warrants of possession be issued. Orders pronounced. File after completion is consigned to the record room.”

2.2 It further appears that when respondent No.4 sought execution of the aforesaid eviction order dated 27.11.2019 (Annexure P-2), the present petitioner filed her objections, the relevant extract of which reads as under:-

“2. That at the alleged Decree Holder has now pleaded wrong facts before the Hon’ble Court as Objector Dimple Sheela Irene was named as L.R. of late Dr. S.M. Karanjia on what basis it hardly to believe. The objector submits in order to crystal clear all the facts, that late Dr. S.M. Karanjia is not her mother; nor she gave Birth to the Objector Dimple Sheela Arene this fact is well within the knowledge of the alleged Decree Holder as per the Hospital Record regarding which the alleged claims are made by the alleged Decree Holder; that the Objector Dimple Sheela Irene was born on 15th May, 1977 and her parents left her since her Birth and Objector Dimple Sheela Arene was named as a “HOSPITAL BABY GIRL” and even the DIOCESE OF AMRITSAR Church of North India has issued “BAPTISM CERTIFICATE” ON 13th OF AUGUST, 1978 to Objector Dimple Sheela Irene and in the said certificate which further makes each and everything crystal clear that Objector Dimple Sheela Irene is a “HOSPITAL

BABY GIRL” and further as per the copy of the Register of Tarn Taran Church Baptismal Register following person-It is further submitted that at time Dr. S.M. Karanjia was Medical Officer and above all Objector Dimple Sheela Irene was brought by all the person associated with the Hospital as he was brought as a “HOSPITAL BABY GIRL” and on behalf of Hospital which is under the Tarn Taran church and the officials namely Sister Taj James Suptdt., Dr. S.M. Karanjia Medical Officer and Mr. Andrew Asir Christan was the Manager and being authorized by the Hospital they signed and stood as care taker of the “HOSPITAL BABY GIRL”.

3. That it is further submitted that as per the above said relevant record produced and facts submitted that Objector Dimple Sheela Irene is a “HOSPITAL BABY GIRL” and is not Legal Heir of Deceased Dr. S.M. Karanjia and further it is submitted that Objector Dimple Sheela Irene who was a HOSPITAL BABY GIRL has every right to stay any where in the property of Hospital being a “HOSPITAL BABY GIRL” so all these vital facts were not disclosed by the alleged Decree Holder who claims themselves to be the care taker of Hospital Property but are least concerned to look after the Orphan Girl who was declared as a “HOSPITAL BABY GIRL” by the Dioceses of Amritsar, to which the alleged plaintiffs are belonged.

4. That the objector Dimple Sheela Irene is NOT a legal Heir of Deceased Dr. S.M. Karanji nor objector had bequeathed any property of her and neither there is any will in her favor regarding which the plaintiff had summoned the Objector Dimple Sheela Arene in the present execution proceeding.

5. That the Objector Dimple Sheela Arene is independently possessing this property since her birth as she is a “HOSPITAL BABY GIRL” and she is entitled to have full right on the property of Church & Hospital as she was brought up and lived in this property since her birth and the Objector Dimple Sheela Irene enjoyed her whole child hood, schooling further studies marriage and all life longs events were

performed in this property by the Hospital Authorities from time to time.... ”

2.3 The objections filed by the petitioner to the execution application moved by respondent No.4 for execution of the eviction order were dismissed by the learned Collector, Tarn Taran, vide order dated 15.06.2023 (Annexure P-4).

2.4 Feeling aggrieved against the aforesaid order dated 15.06.2023 (Annexure P-4), petitioner preferred an appeal before the learned Divisional Commissioner, Jalandhar, however, the same was also dismissed vide order dated 28.03.2025 (Annexure P-5).

3. In the aforementioned circumstances, petitioners have filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove.

4. Heard.

5. Concededly, Dr. S.M. Karanjia was employed with St. Mary Hospital, Tarn Taran, being run by respondent No.4 – Amritsar Diocesan Trust Association (Regd.), and was provided accommodation by respondent No.4. Upon her dismissal from service, which was upheld by the learned District Judge, Amritsar, she neither vacated the residence nor paid rent. Consequently, respondent No.4 initiated proceedings for eviction and recovery of rent against her. During the pendency of the said proceedings, Dr. S.M. Karanjia expired, and thereafter, vide order dated 27.11.2019 (Annexure P-2), the learned Collector, Tarn Taran, ordered eviction of her legal heirs, who were in possession of the house, and further directed recovery of rent at the rate of Rs.3,000/- per month along with interest @12% from 15.12.1989 onwards.

6. Apparently, when the aforesaid eviction order was sought to be

executed, the present petitioner filed objections before the Executing Officer, contending that Dr. S.M. Karanjia was neither her mother nor had executed any Will in her favour, and that she was not the legal representative of Dr. S.M. Karanjia. She, however, claimed herself to be the 'Hospital Baby Girl', who had been left by her natural parents at birth in the Church situated in the Hospital Compound, on 15.05.1977. It was further stated that at the relevant time, Dr. S.M. Karanjia was the Medical Officer at the Hospital, and petitioner was brought up by Dr. S.M. Karanjia and all the persons associated with the Hospital, on behalf of the Hospital. Petitioner further claimed that she has every right to stay in the Hospital property as she had spent her childhood, schooling, marriage, and other life events therein. However, the said objections were rejected by the Executing Court, and vide order dated 15.06.2023 (Annexure P-4), execution of the eviction order was allowed. The appeal preferred against the aforesaid order was also dismissed by the learned Divisional Commissioner, Jalandhar, vide order dated 28.03.2025 (Annexure P-5).

7. Before this Court as well, the petitioner has taken the stand that she has no concern with Dr. S.M. Karanjia, as she is neither her daughter nor her legal representative, nor she is holding any Will executed by Dr. S.M. Karanjia. However, it is contended that since the petitioner has been brought up in the demised premises from the time of her birth, she has a right to continue residing therein.

8. I have considered the aforesaid submission; however, I do not find any merit therein. Evidently, the petitioner was abandoned by her natural parents in the Hospital where Dr. S.M. Karanjia was serving as Medical Officer. The petitioner appears to have been brought up by Dr. S.M. Karanjia, along with other hospital staff, and was residing with

her in the demised premises, which admittedly, was not owned by Dr. S.M. Karanjia but was the property of respondent No.4.

9. It is the categorical stand of the petitioner that she has no concern with Dr. S.M. Karanjia. In this view of the matter, once the petitioner is not claiming any relationship with Dr. S.M. Karanjia, nor has she established any independent right to retain possession of the demised premises, she has no *locus standi* to seek setting aside of the impugned orders.

10. Here, it would be apposite to refer to a decision rendered by Hon'ble the Supreme Court in "***Maria Margarida Sequeira Fernandes and others v. Erasmo Jack De Sequeira (Dead) through LRS.***", 2012(2) RCR (Civil) 441 : 2012 (5) SCC 370; wherein following observations were made:

"97. Principles of law which emerge in this case are crystallized as under:

(1) No one acquires title to the property if he or she was allowed to stay in the premises gratuitously. Even by long possession of years or decades such person would not acquire any right or interest in the said property.

(2) Caretaker, watchman or servant can never acquire interest in the property irrespective of his long possession. The caretaker or servant has to give possession forthwith on demand.

(3) The courts are not justified in protecting the possession of a caretaker, servant or any person who was allowed to live in the premises for some time either as a friend, relative, caretaker or as a servant.

(4) The protection of the court can only be granted or extended to the person who has valid, subsisting rent agreement, lease agreement or license agreement in his favour.

(5) The caretaker or agent holds property of the principal only on behalf of the principal. He acquires no right or interest whatsoever for himself in such property irrespective of his long

stay or possession."

11. Thus, a person holding the premises gratuitously or in the capacity as a caretaker or a servant or a relative or a person who was allowed to live in the premises for some time, such person would not acquire any right or interest in the property and even long possession in that capacity would be of no legal consequences.

12. In the attending circumstances, after the passing of the eviction order dated 27.11.2019 (Annexure P-2) against the legal heirs of Dr. S.M. Karanjia, although the petitioner is admitting that she was brought up by Dr. S.M. Karanjia and she was residing with her in the demised premises until her death; now she cannot agitate that she holds the property in her individual capacity and cannot be removed from the property; moreso, when petitioner has failed to show any such independent right on the basis of any material/document, whatsoever.

13. In view of the above, I find no merit in the instant writ petition and the same is accordingly, dismissed.

14. All pending application(s), if any, shall also stand closed.

11.09.2025

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No