



CR-1640-2025 (O&M)

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

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**CR-1640-2025 (O&M)
Decided on :- 25.08.2025**

Virender Kumar Sethi and Another

....Petitioners

VERSUS

Rajan Duggal (now deceased) through LRs

...Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Namit Khurana, Advocate for the petitioners.

Mr. Divanshu Jain, Advocate and
Mr. Arjun Sangwan, Advocate for the respondent.

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MANDEEP PANNU J.

1. The present revision petition has been filed by the petitioners/tenants for setting aside the order dated 15.01.2025 passed by the learned Rent Controller-cum-Additional Civil Judge (Senior Division), Yamuna Nagar at Jagadhri, whereby the application filed by the legal representatives of the original landlord under Order VI Rule 17 read with Section 151 CPC for amendment of the ejectment petition, has been allowed.

2. The brief background is that the ejectment petition was originally filed by landlord Rajan Duggal (since deceased) under the provisions of the Haryana Urban (Control of Rent & Eviction) Act, 1973 for ejectment of the petitioners/tenants from one shop known as Sethi Communication, situated at Mela Singh Chowk, opposite Bata Footwear Showroom, Yamuna Nagar. The grounds pleaded included arrears of rent and the bona fide requirement of the landlord for his personal use and occupation, as he intended to expand his existing photography



business by removing the intervening wall between his existing shop and the tenanted premises in order to construct a modern studio.

3. During the pendency of the proceedings, the landlord Rajan Duggal expired on 05.05.2024. Thereafter, his wife (respondent No.1) and daughter (respondent No.2) moved an application to be impleaded as his legal representatives, which was allowed vide order dated 30.08.2024. After being impleaded, the LRs of Rajan Duggal filed an application under Order VI Rule 17 CPC seeking amendment of the ejectment petition to plead their own bona fide requirement. It was stated that they are carrying on the business of photography in the shop adjoining the demised premises under the name and style of Mehboob Studio with the assistance of Arun Kumar, husband of respondent No.1(ii) and son-in-law of respondent No.1(i), and that they now require the demised premises to expand the same business by removing the intervening wall.

4. The petitioners/tenants contested the application for amendment on the ground that after the death of the landlord, the petition itself had become infructuous, as the original ground of bona fide requirement projected by Rajan Duggal was personal to him and stood extinguished with his death. It was further contended that the proposed amendment would materially alter the nature and cause of action of the ejectment petition, and would virtually amount to introducing an entirely new case, leading to a de novo trial. It was argued that even otherwise, the son-in-law cannot be projected as a dependent for the purpose of bona fide requirement, as he is already engaged in independent business. Reliance was placed on *Samey Lal v. Baljit Kaur, 2022(2) PLR 226*, to contend that if the amendment sought changes the very basis and cause of action of the pleadings, such amendment cannot be allowed.



5. The learned Rent Controller, however, allowed the amendment application vide impugned order dated 15.01.2025, holding that although the LR's could file a fresh ejectment petition on the ground of their bona fide requirement, the same would lead to multiplicity of litigation and unnecessary expense, whereas allowing the amendment would serve the ends of justice, since the LR's were not seeking to introduce any entirely new ground but only continuing the same ground of bona fide requirement by pleading their own necessity in place of the deceased landlord.

6. Feeling aggrieved by order dated 15.01.2025 passed by the learned Rent Controller, Yamuna Nagar at Jagadhri, the petitioners/tenants have preferred the present revision petition.

7. I have heard learned counsel for the parties and examined the record.

8. So far as the first contention of the learned counsel for the petitioners/tenants that the petition had become infructuous on account of the death of the landlord is concerned, the said contention cannot be accepted. The application filed by the widow and daughter of the deceased landlord to be impleaded as his legal representatives was allowed on 30.08.2024, and in para 3 of that order it was specifically recorded that they had stepped into the shoes of the deceased landlord and were entitled to prosecute the ejectment petition. This order has attained finality as it was never challenged. Therefore, it does not lie in the mouth of the petitioner to now urge that the ejectment petition has become infructuous.

9. The next contention of the learned counsel for the petitioners/tenants is that the amendment changes the cause of action and the very nature of the petition.



10. Learned counsel for the respondent/landlord, on the other hand, has refuted the contentions of the learned counsel for the petitioners/tenants by relying upon the judgment of this Court in *Managing Director, Markfed Punjab v. S.C. Bhalla (deceased) and others, 2023(2) RCR (Rent) 482*. In the said case, the original landlord had expired during the pendency of the ejectment proceedings. His legal representatives were impleaded and filed an application for amendment of the petition to incorporate their own bona fide requirement. It was argued therein, just as here, that the legal representatives could only file a fresh petition and not amend the existing one. The argument was rejected, and it was held as follows:-

“ *where the possession is sought by the landlord on the ground of bonafide requirement and during the pendency of the application, the landlord dies, his legal representatives can prosecute such application on the basis of their own need in substitution of the need of the deceased. Death is an event which is not in the control of anyone. To say that ground of personal necessity was individualistic in its tone and tenor and was only for the landlord in his individual capacity, is not correct. This ground of ejectment against the petitioner-tenant also enures for the benefit of his widow. However, the petitioner will have to establish existence of such personal necessity in the background of facts and milieu concerning her in the contemporaneous circumstances. In any case, allowing of the application for amendment of the petition ipso facto is no proof of her personal requirement of the premises so as to order eviction which*



aspect is yet to be determined by the Rent Controller in the light of the evidence of the parties."

11. The above-said judgment passed in *Managing Director, Markfed Punjab's case (supra)* is fully applicable to the facts and circumstances of the present case. A reference was also made therein to the decision of the Hon'ble Supreme Court in *Kedar Nath Agrawal (Dead) v. Dhanraji Devi (Dead) by LRs [2004 (2) RCR (Rent) 498]; Rajinder Singh v. Satinder Kaur & Ors. [2015 (1) RCR (Rent) 427]*, wherein the principle has been clearly enunciated that the right to seek ejectment on the ground of bona fide requirement survives to the heirs of the deceased landlord.

12. In the present case also, the LRs of late Rajan Duggal have only sought to substitute their bona fide requirement in place of that of the deceased landlord. By allowing the amendment, the Court has not ipso facto accepted the bona fide requirement of the LRs. That question will still have to be examined on merits at the time of final decision, in the light of the evidence led by the parties. The amendment does not change the nature of the petition or introduce a wholly new ground, but merely substitutes the requirement of the legal heirs for that of the deceased, which is permissible in law.

13. The case law cited by the learned counsel for the petitioners/tenants in the case of *Samey Lal (supra)* is of no help to the petitioners/tenants and there is no dispute to settled proposition of law that if the amendment sought changes the very basis and cause of action of the pleadings, such amendment cannot be allowed. However, the same is not applicable to the present case as amendment sought in this case does not change the very basis and cause of action of the pleadings as detailed above.



14. In view of the settled legal position, the impugned order dated 15.01.2025 allowing the amendment suffers from no infirmity. The learned Rent Controller has rightly exercised his discretion in the matter.

15. Accordingly, finding no merit in the present revision petition, the same is dismissed.

16. Pending application(s), if any, also stand disposed of.

August 25, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No