

CR-7554-2023

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2025:PHHC:124180



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

CR-7554-2023

Date of decision : 10.09.2025

Krishan Kumar

... Petitioner

Versus

Bikarjeet Singh (now deceased) through his LRs and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rajan Bansal, Advocate
for the petitioner.

Mr.Robin Singh, Advocate
for respondent no.1.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India against the impugned order dated 18.11.2023 (Annexure P-3) passed by the Rent Controller, Barnala, vide which the application under Order 6 Rule 17 CPC moved by the LRs of respondent no.1 for amendment of the eviction application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as “ the 1949 Act”) has been allowed.

ARGUMENTS ON BEHALF OF THE PETITIONER

2. Learned counsel for the petitioner has submitted that respondent no.1- Bikarjeet Singh had filed eviction petition under Section



13 of the 1949 Act on three grounds and one of the ground was of personal necessity. It is submitted that in the eviction petition, personal necessity / bonafide requirement was projected for the said Bikarjeet Singh and that said Bikarjeet Singh had subsequently died on 14.01.2021 and his LRs had been impleaded vide order dated 09.11.2021. It is submitted that the LRs have no right to take an independent plea but vide application for amendment, the LRs of the said Bikarjeet Singh have raised the plea with respect to their own personal necessity. It is submitted that the said application has been allowed vide order dated 18.11.2023 which is against law and the said order deserves to be set aside. It is argued that in case the legal representatives wish to take independent plea, then, they should have got themselves impleaded as party and once the sons, widow and daughter of the deceased have got themselves impleaded as legal representatives, then, they cannot raise any independent plea and they can only pursue the case of the deceased respondent no.1. In support of his arguments, learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court of India in the case of *Vidyawati vs. Man Mohan* reported as *1995(5) SCC 431*.

ARGUMENTS ON BEHALF OF RESPONDENT NO.1

3. On the other hand, learned counsel for respondent no.1 has opposed the present petition and has submitted that the amendment application has been rightly allowed. It is submitted that the eviction petition was filed on three grounds, which were non-payment of rent and the



shop being unfit and unsafe for human habitation in addition to personal necessity. It is further submitted that it has been repeatedly held by Hon'ble the Supreme Court as well as by this Court that in a case where the landlord had set up a case of personal necessity, then, subsequently on his death, it is open to the LRs of said deceased to pursue the case by projecting their own bonafide requirement. It is submitted that the law on the said aspect in rent proceedings is on a different footing from the law in civil proceedings. In support of his arguments, learned counsel for respondent no.1 has relied upon the judgment of the Co-ordinate Bench of this Court passed in the case of ***Managing Director, Markfed, Punjab vs. S.C. Bhalla (deceased) and ors.*** reported as ***2023(2) RCR (Rent) 482.*** Reliance has also been placed upon the judgment of Hon'ble Supreme Court in the case of ***Kedar Nath Agrawal (Dead) vs. Dhanraji Devi (Dead) by LRs.*** reported as ***2004(8) SCC 76*** as well as judgment of ***Rajinder Sigh vs. Satinder Kaur and others*** reported as ***2015 (1) RCR (Rent) 427.*** It is further submitted that in the order, vide which the LRs of respondent no.1 were impleaded, specific objection was raised by the present petitioner to the effect that the proceedings had been abated in view of the death of the original landlord, however, in spite of the said objection, the application for impleadment of LRs was allowed.

ANALYSIS AND FINDINGS

4. This Court has heard learned counsel for the parties and has perused the paper book and finds that the impugned order has been rightly



passed and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons stated hereinafter.

5. It is not in dispute that Bikarjeet Singh had filed an eviction petition under Section 13 of the 1949 Act on three grounds, which were non-payment of rent, shop being unfit for human habitation and also for personal necessity. The fact that the said Bikarjeet Singh had died on 14.01.2021 is also not disputed. The sons, widow and daughter of the said Bikarjeet Singh were impleaded vide order dated 09.11.2021. An application for amendment was filed by the widow, daughter and sons of Bikarjeet Singh and the said application has been annexed as Annexure P-2. The amendment sought by them is reproduced hereinbelow:-

“2). That the applicants want to add para no.10(a) after para no.10 which is as under:

"That after the death of Bikarjeet Singh son of Gurdev Singh (previously applicant), the present application including other legal heirs of deceased Bikarjeet Singh have been impleaded as party/ applicants in the present application and the present applicant namely Dawinder Singh son of Bikarjeet Singh son of Gurdev Singh after death of his father Bikarjeet Singh, started residing at Village Puhla and is idle. In order to take of himself and his old age mother namely Sukhwinder Kaur, the applicant Dawinder Singh want to start the business of immigration for earning his livelihood in the ground portion of the demised shop and also want to construct the house on the upper portion of the sald demised shop so that the applicant Dawinder Singh and Sukhwinder



Kaur be able to reside there and the demised shop is the suitable for the abovesald bonafide need of the applicant Dawinder Singh and Sukhwinder Kaur”

6. The said application for amendment had been allowed vide order dated 18.11.2023 by the trial Court after taking into consideration the law laid down by the Co-ordinate Bench of this Court in the cases of ***Managing Director, Markfed (supra)*** and ***Rajinder Singh (supra)*** and also law laid down by the Hon’ble Supreme Court of India in the case of ***Kedar Nath Agrawal (supra)***. The said order is in accordance with law and deserves to be upheld.

7. In ***Managing Director, Markfed, (supra)***, the facts were very similar to the facts of the present case. In the said case also, an ejection petition was filed on various grounds which included the ground of personal necessity of one S.C. Bhalla, who had died during the pendency of the case and his legal representatives had moved an application for amendment and had pleaded their own bonafide and personal necessity, which application for amendment was allowed and the revision petition filed by the tenant in the said case was dismissed. In the said case also, the tenant therein had relied upon the judgment of Hon’ble the Supreme Court in the case of ***Vidyawati (supra)*** and the Co-ordinate Bench of this Court after taking into consideration the law laid down by the Hon’ble Supreme Court in ***Kedar Nath Agrawal (supra)*** as well as of this Court in ***Rajinder Singh (supra)*** had observed that the arguments raised on behalf of the tenant therein that



the LRs of the landlord therein should have filed separate ejectment petition, deserved to be rejected. On the aspect of reliance by the tenant therein on the judgment of the Hon'ble the Supreme Court in the case of ***Vidyawati (supra)***, the Co-ordinate Bench had observed that the judgment did not pertain to ejectment proceedings under the rent laws and was with respect to civil suit and thus, the proposition of law was totally different and would have not come to the aid of the tenant. The relevant portion of the said judgment is reproduced hereinbelow:-

“3. Learned counsel for the petitioner has contended that since the ejectment petition was filed on the ground of bonafide personal necessity of S.C. Bhalla and after his death, in case respondent No.1 herein wanted to plead his own bonafide personal necessity, a separate ejectment petition would be required to be filed. In support of his contention, he has relied upon the judgment of the Hon'ble Supreme Court in the case of Vidyawati Vs. Man Mohan [1996 (2) Rent LR 214].”

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6. In the present case, originally the ejectment petition was filed by S.C. Bhalla who expired during it's pendency. Thereafter, the legal representatives of S.C. Bhalla were impleaded and the legal representative i.e. respondent No.1 herein, by way of the amendment application, sought to incorporate that he required the premises for his own bonafide personal necessity. The argument of learned counsel for the petitioner that for the said purpose a separate ejectment petition would have to be filed deserves to be rejected in view of the settled law.



7. *Hon'ble Supreme Court in the case of Kedar Nath Agrawal (supra) has held as under :*

“33. Conjoint reading of clause (a) of sub-section (1) and sub-section (7) of Section 21 makes it clear that 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.”

8. *In the case of Rajinder Singh (supra), it has been held as under:*

“6. 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.”

9. ***The judgment referred to by learned counsel for the petitioner in the case of Vidyawati (supra) is not in ejectment proceedings under the rent laws and is in a civil suit and on a totally different proposition of law and hence, would not come to the aid of the petitioner.”***



8. The Special Leave Petition against the judgment passed in *Managing Director, Markfed (supra)* had been dismissed by Hon'ble the Supreme Court vide order dated 10.10.2023. The relevant portion of which order is reproduced hereinbelow:-

“Delay condoned.

We find no ground to interfere with the impugned order passed by the High Court. The Special Leave Petition is, accordingly, dismissed.

Pending interlocutory application(s), if any, is/are disposed of.”

9. The law laid down in the above said judgment fully covers the case in hand. No judgment has been cited on behalf of the petitioner with respect to rent proceedings wherein in similar circumstances, the legal representatives of the landlord had not been permitted to raise independent plea of their own bonafide requirement after the death of original landlord.

10. Additionally, it could not be disputed on behalf of the petitioner that the legal representatives had the right to file a separate case for eviction on the ground of their personal necessity and that they also have the right to pursue the other two grounds of eviction which had already been taken by the landlord in the eviction petition filed by the original landlord, i.e., non-payment of rent and the shop being unsafe for human habitation. In the said circumstances, to allow the LRs to pursue the eviction proceedings on two grounds, i.e., non-payment of rent and shop being unsafe for human



habitation but to then require them to file a separate petition for their own personal necessity, would only result in multiplicity of litigation in turn unnecessarily entailing expenses for both the parties. It would be in the interest of both the parties that all the issues are decided in one proceeding. Moreover, delay in the proceedings on account of amendment would primarily cause prejudice to the landlord/ LRs who are seeking eviction of the tenant. On a pointed query raised, this Court has been informed that since there was no interim order staying the eviction proceeding in the present revision petition in favour of the petitioner, thus, substantial evidence of the respondent-landlord/LRs has already been led. In the said circumstances, this Court does not wish to interfere with the impugned order by exercising its powers under Article 227 of the Constitution of India.

11. The Hon'ble Supreme Court in the case of "*Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil*", reported as *(2010) 8 Supreme Court Cases 329*, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227, but at the same time, it must be



remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

12. Keeping in view the above said facts and circumstances, the impugned order deserves to be upheld and is accordingly upheld and the present revision petition filed by the petitioner being meritless, deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

September 10, 2025.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No