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

1.

CR-1997-2017(O&M)

Date of Decision: November 17, 2025

M/S HARI CHAND BHAGAT RAM & ANR

.....Petitioners

Versus

SATISH CHANDER & ANR

.....Respondents

2.

CR-2611-2017(O&M)

HARSH KUMAR ALIAS ARSH KUMAR

.....Petitioners

Versus

SATISH CHANDER & ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parvinder Singh, Advocate
for the petitioner in CR-1997-2017.

Mr. Esh Gupta, Advocate
for the petitioner in CR-2611-2017.

Mr. K. S. Dhillon, Advocate for respondent No.1.

HARKESH MANUJA, J. (ORAL)

By way of this common order, aforementioned two revision petitions shall stand disposed as they involve common question of law and fact.

For convenience, the facts are being taken from CR-1997-2007.

By way of present revision petition(s), challenge has been laid to judgment dated 19.12.2016 passed by the learned Rent Controller, Shaheed Bhagat Singh Nagar whereby, a petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (for

short 'the Act'), preferred at the instance of respondent No.1 came to be allowed.

2. Briefly stating, respondent No.1-landlord having claimed himself to be an NRI owner of the demised premises, sought eviction of petitioners-tenants from the premises situated opposite Grain Market Railway Road, Town Banga, Tehsil Nawanshahar, District Shaheed Bhagat Singh Nagar, on the ground that the same was required for his own personal use and occupation.

3. Upon notice, the petitioners-tenants sought permission for leave to contest. The learned Rent Controller, vide order dated 08.05.2015, granted leave to contest in favour of the petitioners and, consequently, in terms thereof, afforded opportunity to file written statement. Based on the pleadings of the parties, issues were framed followed by the parties having led their respective evidence. Subsequently, the learned Rent Controller vide its decision dated 19.12.2016, allowed the eviction petition preferred at the instance of respondent No.1-landlord, holding him to be one of the co-owners of the demised premises being NRI and thus, entitled for making an application under Section 13-B of the Act. Further, the factum of *bonafide* need of Respondent No.1 qua the premises in dispute was also established.

4. Impugning the aforementioned decision, learned counsel for the petitioners submits that in the present case the claim of respondent No.1 was never established on record in terms of Section 13-B of the Act inasmuch as respondent No.1 himself did not step into the witness-box. He points out that in order to establish his own bona fide requirement as an NRI, respondent No.1 was mandatorily required to

appear as a witness in support of his claim made in the eviction petition. However, instead, one Mr.Rajat Moudgil, son of Davinder Moudgil, appeared as PW-1 in support of the eviction petition and thus, in the absence of testimony of respondent No.1, the prayer for seeking eviction of petitioners in terms of Section 13-B of the Act ought to have been dismissed.

5. Learned counsel for the petitioners further points out that as a matter of record, during the pendency of the present revision petition(s), respondent No.1-Landlord has unfortunately expired and consequently, no cause of action survives in the present revision petition(s) as the sole ground pleaded by respondent No.1 in petition under Section 13-B of the Act has been for his own personal need and not for requirement of any of his dependents or family members. He thus submits that, in view of the law laid down by Hon'ble Supreme Court in case of **"Gurdev Singh Vs. Surjit Kumar @ Jit"** reported as **"1996(2) RCR (Rent) 122"** the eviction petition(s) was liable to be dismissed. Paragraph Nos.4 and 5 thereof are extracted hereunder:-

4. As noticed at the beginning, the first appellant filed after filing the Special Leave Petition. The application for substitution was allowed. On the basis of subsequent event, the widow of the deceased first appellant has stated that after the death of her husband she has "permanently come back to India and needs the house in question for her personal residence". In the normal circumstances in view of the settled position of law that subsequent events have to be taken note of, we would have allowed the ejectment application accepting the statement of the second appellant (widow of the first appellant). However, the second respondent has filed affidavit seriously challenging the statement of the second appellant by stating as follows:

"The widow Smt. Surjit Kaur came to India for a few days to perform the last rites of her deceased husband/petitioner and had gone back and this opportunity she chose to file the present false affidavits."

Further, the learned counsel appearing for the second respondent in his written submissions has raised the following objection :-

"That even if it is presumed that new facts have been placed on record, which is very much denied, but by no stretch of imagination, it has been laid by any Court that new facts can be assumed to be correct without trial. The LRs or the widow have to prove the new facts before the trial Court."

It is also objected to on the ground that the LRs and or the widow have to prove and satisfy in ingredients of law viz. Section 13(3)(a) (b) of the Punjab Rent Restriction Act.

5. *In the circumstances, we feel that the ends of justice will be met if the case is remanded back to the Appellate Authority to enable the LRs of the first appellant to establish their claim for ejectment under present circumstances in the light of the above said provision of law."*

6. It has also been argued that respondent No.1 was merely one of the co-owners in the property in question and thus, in the absence of other co-owners having been impleaded as parties to the proceedings, no order of eviction could have been legally passed in favour of respondent No.1.

No other argument has been raised on behalf of the petitioners.

7. On the other hand, learned counsel appearing on behalf of respondent No.1 submits that, from the pleadings and evidence available on record, the bona fide need of respondent No.1 qua the demised shop, being an NRI and one of its co-owners, stood duly established. Learned counsel also points out that PW-1 Rajat Moudgil, son of Davinder Moudgil happens to be the real nephew of respondent No.1 and was fully conversant with the necessary information about the

case set up by respondent No.1 in his eviction petition. Learned counsel further points out towards the detailed and elaborative affidavit of PW-1 tendered in his evidence highlighting each and every minute detail of the premises in question as well as the personal requirement of respondent No.1. He thus emphasized that respondent No.1 could not be non-suited merely on the ground of his non-appearance in the witness box. Learned counsel for respondent No.1 also submits that even the unfortunate demise of respondent No.1 during the pendency of the present revision petition(s) was not sufficient to reject the claim, as the rights and liabilities of the parties in the eviction petition need to be determined by the Courts on the basis of the cause of action existing as on the date of filing of eviction petition. Learned counsel thus submits that the present revision petition was liable to be dismissed.

8. I have heard learned counsel for the parties and gone through the paper-book(s). I am unable to find substance in the submissions made by learned counsel for the petitioners.

9. In the present case, the eviction petition under Section 13-B of the Act was filed on behalf of respondent No.1 while claiming himself to be an NRI; being one of the co-owners of the demised premises and seeking eviction on the ground of his personal requirement. As per the records, one Mr. Rajat Moudgil-PW1 appeared in the witness-box in support of the claim set up in the eviction petition. A perusal of the affidavit of evidence in affirmative, submitted by Mr. Rajat Moudgil as PW-1 itself shows that all possible, minute and comprehensive details have been mentioned therein with respect to the right, ownership and entitlement of respondent No.1 in respect of the demised premises. The affidavit elaborates upon the factum of respondent No.1 being an NRI

having migrated to Canada and also about his ailments besides even his bona fide need of setting up of his own business of a big departmental store by demolishing the existing building comprising two shops and thereafter constructing a new one.

10. A perusal of the aforesaid affidavit also ensures that the necessary requirements of Section 13-B have been duly pleaded therein on behalf of respondent No.1. Paragraph Nos.2 and 3 of the said affidavit thus being relevant are reproduced hereunder:-

"1. That petitioner Satish Chander has appointed me as his attorney vide power of attorney dated 05.08.2015, as such, I am conversant with the facts of the case and competent to make statement on behalf of petitioner and to depose his mind in the court. Copy of power of attorney is attached with this affidavit and the same is ExP1. I have also brought the original power of attorney along with me today (Original shown to the Hon'ble" court and received back).

2. That Late Sh. Boishan Dass son of Lachhman Dass resident of Banga, Distt. SBS Nagar, grandfather of petitioner was owner of the building as shown in red colour consisting of two shops on ground floor and residential portion on the first storey and after death of Sh. Bishan Dass in the year 1965-66, petitioner, his brother Kailash Chander and his mother Late Smt. Prem Lata being first class legal heirs of Late Sh. Des Raj predeceased son of Late Sh. Bishan Dass, inherited the estate of Bishan Dass including share in the building comprised of two shops on ground floor and residential portion over first storey constructed over the area of Khasra No. 1187, alongwith other legal heirs of deceased Bishan Dass namely Sh. Hari Ram and Sh. Ram Parkash, other sons of Late Sh. Bishan Dass. Late Sh. Bishan Dass left behind agricultural land etc and other property which was also inherited in the manner stated above. Petitioner, his brother Kailash Chander and his mother Late Smt. Prem Lata started residing in the first storey portion of the building in question of which shop in dispute shown in red colour marked 'ABCD', bounded as fully detailed above, is one part. Smt. Prem Lata died in the year 2005 and her share was also inherited by petitioner, as well as, Sh. Kailash Chander in the said building. There was oral family partition between Hari Ram, Ram

Parkash sons of Bishan Dass son of Lachhman Dass and petitioner, himself and on behalf of his brother Kailash Chander and mother Smt. Prem Lata, memo of which was reduced into writing on 31.10.2002, notarized copy of the said memo of the said family partition dated 31,10,2002 is already on the file and the same is Ex P2. In the oral family partition regarding which later on memo of partition was reduced into writing on 31.10.2002, the building in question shown in red and blue colour consisting of two shops on ground floor and residential portion on first storey had fallen to the lot of petitioner, his brother Kailash Chander and his mother Smt. Prem Lata and as such, they became exclusive owners of the said building of which shop in dispute is one part. Death certificate of Late Sh. Bishan Dass, Fard Jamabandi for the year 2007-08 of town Banga and Aksh Shijra are already on the file. Death certificate is Ex P3, Fard Jamabandi is Ex P4 and Aksh Shijra is Ex P5. Petitioner alongwith his brother Kailash Chander and his mother Late Smt. Prem Lata became owners/joint owners firstly in the year 1965 and then became exclusive owners in the year 2002 and after the death of Late Smt. Prem Lata in the year 2005, her share in the building was also inherited by petitioner and his brother Kailash Chander. Even in the municipal record, the petitioner and his brother Kailash Chander are recorded as owners of the building of which shop in dispute is one part and they have been making payment of house tax from time to time, copy of house tax assessment record, as well as, order of Regional Dy. Director, Local Bodies, Jalandhar exercising the Powers of Special Executive Magistrate, other reports of Executive officer, M.C.Banga, regarding annual rental value assessment, are already on the file and in the said record, M/s Hari Chand Bhagat Ram, Railway Road, Banga, proprietary firm of Late Sh. Mohan Lal son of Bhagat Ram is recorded as tenant under petitioner and his brother. After the death of Mohan Lal son of Bhagat Ram, Smt. Sheela Rani, LR No. (1) and Jouti Balli, IR No. (i) being widow and daughter of deceased became tenants under the petitioner, his brother Kailash Chander, in the shop shown in red colour marked 'ABCD' in the site plan and bounded as fully, detailed in the head note of the petition. The rate of rent is Rs 150/- per month. The site plan of the building of which shop in dispute is one part was got prepared by petitioner from Sh.Gurcharan Singh Draftsman, Nawarshahr as per spot and Aksh Shijra. The site plan is correct as per spot and Aksh Shijra. The site

plan is Ex P6. Petitioner Satish Chander, his brother Kailash Chander and his mother Late Smt. Prem Lata immigrated to Canada about more than 25 years back. Petitioner is NRI specified landlord as defined under section 13-B of East Punjab Urban Rent Restriction Act and is entitled to seek summary relief as provided under the law. Petitioner suffered from malignant tumor of prostate and was operated upon in Canada. He is not keeping good health in Canada due to severe cold climate and he returned to India for the purpose of starting his own business of big departmental store by way of demolishing the existing building consisting of two shops shown in red and blue colour and residential portion over first storey and constructing new building thereon. He has filed similar petition against the tenants of other shop shown in blue colour which is also part of the same building. Petitioner bonafidely requires the rented out shop for his own personal need and occupation in the way started above and undertakes to personally utilize the same and not to rent, lease out the same to any body and further undertakes not to sell the same.

3. *That the petitioner has not utilized the provisions of Sec. 13-B of East Punjab Urban Rent Restriction Act concerning any building till date. He had filed petition/ejectment application No. 7 of 2001 on 26.03.2001, titled as 'Satish Chander vs M/S Hari Chand Bhagat Ram', concerning this shop in the court of Rent Controller, Nawanshahr but the said petition was withdrawn under Order 23 Rule 3 read with sec. 151 CPC with permission/leave of the court to file new / afresh petition on the same cause of action. The Hon'ble court passed order dated* 09.02.2008 permitting the withdrawal of the said petition and imposing costs of Rs 3,000/- as a condition/pre-condition to institute the present petition, The costs of Rs 3,000/- has already been deposited by the order of this Hon'ble Court. Receipt in original dated 05.05.2010 is already on the file and the same is Ex P6. Certified copy of order dated 09.02.2008 is already on the file and the same is Ex P7. Hence the present petition was filed. Petitioner has no other building in his possession nor has he rented out or vacated any such building within the municipal limits/local limits of town Banga since the commencement of the said provisions of law. Petitioner undertakes to take the possession of the shop in question within three months from the date of order. Petitioner called upon respondents/ its then proprietors while filing previous petition for eviction to admit his right*

and claim now represented by LRs No (i) and ii) namely Sheela Rani and Joti Bali respectively but they have refused to admit the claim of petitioner at Banga in the presence of respectable persons. Cause of action has arisen to petitioner and against respondents at the time of filing previous petition which was withdrawn with permission of the court and now against them few days back from the date of filing the present petition when they refused to admit the claim of petitioner. The petitioner has filed the present petition without prejudice to his rights of arrears of rent from the respondent in a regular petition as ground of arrears of rent is not available u/s 13-B of East Punjab urban Rent Restriction Act. Copy of Assessment Register III, Page 68 of Municipal Council, Banga showing is already on the file and the same is Ex P8. Receipts of payment of house tax numbering three are already on the file and the same are Exs P9, P10 and P11. Passport of petitioner Satish Chander is already on the file and the same is Ex P12.”

11. A perusal of the aforesaid shows that the deponent-Rajat Moudgil (PW-1) who happened to be the close relative of respondent No.1 being his nephew was having complete and comprehensive knowledge about the entitlement of landlord to file and maintain the eviction petition under Section 13-B of 1949 Act being NRI. Rajat Moudgil (PW-1) also gave details about the ailment of respondent No.1 – landlord besides the difficulties faced by him on account of the extreme cold weather in Canada and also about the resultant need of the landlord to return to India for the purpose of starting his own business of Departmental Store by demolishing the existing building of two shops. Therefore, mere non-appearance of respondent No.1 was not be treated as fatal to his cause, especially, when no prejudice was caused to the petitioners; they having cross-examined witness Rajat Moudgil-PW1 at length yet not able to impeach his testimony. The power of attorney dated 05.08.2015 executed by respondent No.1 in favour of PW1-Rajat Moudgil even described their relationship as uncle

and nephew. Significantly, no questions were ever put to PW-1 namely Rajat Moudgil in his cross-examination to rebut his relationship with respondent No.1. The petitioners-tenants did not step into the witness-box; one Sh. Arun Kumar appeared on their behalf as RW-1 who did not even dispute or question the relationship of Mr. Rajat Moudgil with respondent No.1 as that of nephew and uncle.

11.1 The power of attorney holder namely, Rajat Moudgil while appearing as PW-1 also deposed that after filing of eviction petition, respondent No.1-landlord visited India twice; firstly in the year 2011 and thereafter in January 2014. In such circumstances, it could never be inferred that respondent No.1-landlord was disinterested in pursuing the eviction petition against the petitioners-tenants, particularly when he visited India even during pendency of the eviction proceedings.

12. In such circumstances, the plea raised on behalf of petitioners with respect to non-appearance of respondent No.1 in the witness-box in support of his claim in the eviction petition preferred under Section 13-B of the Act needs to be rejected in the facts and circumstances of the case in hand. Support can also be drawn from the decision made by the Hon'ble Supreme Court in case of ***Ramkubai since deceased by LRs. versus Hajarimal Dhokalchand Chandak*** reported as **1999(6) SCC 540**. Relevant paragraph thereof is extracted hereunder:-

“9. We have already noted above that the ground of bonafide requirement of the landlady was accepted by the trial court but it was negatived by the Appellate Court and the same was confirmed by the High Court. The Appellate Court was swayed away by the fact that the landlady herself did not come into the witness box to support her claim. What is not appreciated by the Appellate Court is

that her son Bhikchand who was also her G.P.A. holder and for whose benefit the business is to be set up, did come into the witness box to support the case of personal requirement. The Appellate Court was of the view that the bonafide requirement is in the first place a state of mind and might be something more and that could be established only by the landlady. In all fairness to Mr. Mohta, we must note, that he conceded that reasoning of the Appellate Court could not be supported.”

Similar view has been expressed by this Court in case of **M/s. Hind Sons Agency v. Jai Parkash Jain** reported as **2012(1) RCR(Civil) 828** wherein an eviction petition filed under Section 13-B of 1949 Act been preferred by the landlord through his father-in-law being Power of attorney was held to be maintainable. Relevant paragraphs No. 11 and 12 of this judgment being relevant are extracted hereunder:-

“11. Similarly in Anita Sood and Ors. v. Manjit Singh, 2011 (2) RCR (Civil) 741, this Court after relying upon Baldev Singh Bajwa's case (supra) held that mother as power of attorney was having such a relation that it cannot be said that she would not be knowing the personal needs of the respondent and in her capacity as power of attorney ejection for bona fide requirement of her son was maintainable.

12. It may also be noticed at this stage that the attorney in the instant case is the father-in-law of the respondent-landlord and thus, it cannot be said that he is not in the knowledge of the personal facts which are necessary for disposal of this petition.

For the reasons mentioned above, this petition is without any merit and the same is dismissed.”

Further reliance can also be placed in case of **Gurmeet Singh v. M/s Walia Brothers** reported as **2010 (58) RCR(Civil) 581**. Relevant paragraph No. 17 of this decision being relevant is extracted hereunder:-

“17. I am in agreement with the proposition of law laid down in the afore- quoted judgments from where it is evident that ordinarily the testimony of power of attorney holder in substitution to that of the

actual litigant may not be sufficient and non-examination of the latter and his not being cross-examined by the other side, may lead to an adverse inference against his case, but, in my view, at the same time, the Court before deducing such inference, is not precluded from searching for other material that may be available on record to justify such inference and if attending material and evidence belies it, then mere non-examination of a litigant or absence of his cross-examination, would not be fatal to his case.”

13. Further, in the given facts, it has been admitted by learned counsel representing both the sides that respondent No.1 unfortunately died in the year 2024 i.e. during pendency of the present revision petition. However, the said fact cannot by itself, constitute as sufficient ground to dismiss the eviction petition preferred at the instance of respondent No.1. Factually, the eviction petition under Section 13-B of the Act was preferred at the instance of respondent No.1 before the learned Rent Controller at SBS Nagar on 15.06.2010, pleading his bona fide need qua the demised premises. The leave to contest was granted in favour of petitioners-tenants on 08.05.2015. Thereafter, the said petition was decided on merits and an order of eviction was passed against the petitioners-tenants on 19.12.2017. Aggrieved thereof, the present revision petition came to be preferred at the instance of petitioners-tenants. Notice of motion in the present revision petition was issued by this Court on 20.03.2017 along with an interim order passed in favour of petitioners-tenants. Though on 07.08.2023, the present revision petition was heard in detail by this Court and the judgment was reserved, however, thereafter, the same was again listed for re-hearing on 13.12.2023 and the matter since then could not be taken up on merits by this Court whereas, in the meanwhile, respondent No.1 unfortunately died in the year 2024.

14. The fundamental principle is that the rights of the parties should be determined based on the date the suit or proceedings were initiated. The suit should be tried on the cause of action that existed at the beginning. This case involves a petition that has been pending before this Court for almost 8 years, during which the landlord passed away. Therefore, any delay in disposing of the petition should not prejudice the landlord's rights under the decree passed by Rent Controller. This is because the well-known principle states that a court's action should not prejudice the plaintiff. Given these circumstances, the subsequent event of the landlord's unfortunate demise during the long pendency of the revision petition cannot be considered fatal to the landlord's cause, causing serious prejudice to his rights. Furthermore, the rights of the petitioners-tenants are even otherwise protected under the statutory Scheme of Section 13-B of the Act. If the legal heirs of the deceased landlord do not occupy the premises in question, the petitioners-tenants were entitled to seek its repossession. Support in this regard can be drawn from a decision rendered by the Hon'ble Apex Court in the case of ***Shakuntla Bai and others vs Narayan Das and others*** reported as **(2004) 5 SCC 772** Relevant paragraphs number 10 & 11 of that decision are reproduced here under:-

"10. The effect of death of a landlord during the pendency of the proceedings has been considered in several decisions of this Court. In Smt. Phool Rani v. Naubat Rai Ahluwalia, 1973 RCR (Rent) 364 (SC) , the landlord filed an ejectment application under Section 14(1)(e) of the Delhi Rent Control Act and eviction of the tenant was sought on the ground that the premises were required by the plaintiff "for occupation as a residence for himself and members of his family". The Additional Rent Controller dismissed the application on a preliminary ground that the notices to quit were not valid, without examining the

case on merits. The plaintiff died during the pendency of the appeal preferred by him and his heirs were substituted. The case was remanded and the Rent Controller passed an order of eviction. In appeal a contention was raised that the right to sue did not survive to the heirs of the plaintiff, which was rejected by the Rent Control Tribunal but was accepted in appeal by the High Court. This court held that different result may follow according to the stage at which the death occurs. One of the situations considered in para 13 of the reports is as under:

"(i) cases in which the death of the plaintiff occurred after a decree for possession was passed in his favour, say, during the pendency of an appeal filed by the unsuccessful tenant."

With regard to this category of cases, it was held that the estate is entitled to the benefit which, under a decree, has accrued in favour of the plaintiff and, therefore, the legal representatives are entitled to defend further proceedings, like an appeal, which constitute a challenge to that benefit. Even otherwise this appears to be quite logical. In normal circumstances after passing of the decree by the trial Court, the original landlord would have got possession of the premises. But if he does not and the tenant continues to remain in occupation of the premises it can only be on account of the stay order passed by the appellate Court. In such a situation, the well known maxim 'actus curiae neminem gravabit' that 'an act of the Court shall prejudice no man' shall come into operation. Therefore, the heirs of the landlord will be fully entitled to defend the appeal preferred by the tenant and claim possession of the premises on the cause of action which had been originally pleaded and on the basis whereof the lower Court had decided the matter and had passed the decree for eviction. However in regard to the case before the court it was held that the requirement pleaded in the ejectment application on which the plaintiff founded his right to relief was his personal requirement and such a personal cause of action must perish with the plaintiff. On this ground it was held that the plaintiff's right to sue will not survive to his heirs and they cannot take the benefit of the benefit of the original right to sue.

11. In *Shantilal Thakordas v. Chimanlal Maganlal Telwala*, 1976(4) SCC 417, a larger Bench overruled the decision rendered in *Phool Rani v. Naubat Rai Ahluwalia* (supra) in so far it held that the requirement of the occupation of the members of the family of the

original landlord was his personal requirement and ceased to be the requirement of the members of his family on his death. The court took the view that after the death of the original landlord the senior member of his family takes his place and is well competent to continue the suit for eviction for his occupation and occupation of the other members of the family. Thus, this decision held that the substituted heirs of the deceased landlord were entitled to maintain the suit for eviction of the tenant. The ratio of this decision by larger Bench does not in any manner affect the view expressed in Phool Rani (supra) that where the death of the landlord occurs after a decree for possession has been passed in his favour, his legal representatives are entitled to defend further proceedings like an appeal and the benefit accrued to them under the decree. In fact, the ratio of Shantilal Thakordas (supra) would reinforce the aforesaid view. There are several decisions of this Court on the same line. In Gaya Prasad v. Pradeep Srivastava, 2001(1) RCR (Rent) 221 (SC) : 2001(2) SCC 604 it was held that the crucial date for deciding as to the bonafides of requirement of landlord is the date of his application for eviction. Here the landlord had instituted eviction proceedings for the bonafide requirement of his son who wanted to start a clinic. The litigation continued for a long period and during this period the son joined Provincial Medical Service and was posted at different places. The subsequent event i.e. the joining of the service by the son was not taken into consideration on the ground that the crucial date was the date of filing of the eviction petition. Similar view has been taken in G.C. Kapoor v. and Kumar Bhasin, 2002(1) RCR (Rent) 407 (SC) : 2002(1) SCC 610. Therefore, the legal position is well settled that the bonafide need of the landlord has to be examined as on the date of institution of proceedings and if a decree for eviction is passed, the death of the landlord during the pendency of the appeal preferred by the tenant will make no difference as his heirs are fully entitled to defend the estate.”

15. With respect to the plea raised on behalf of petitioners-tenants as regards the non-impleadment of other co-owners of respondent No.1 in the eviction petition, it may be noticed here that respondent No.1 being one of the co-owners was well within his right to seek eviction of the demised premises being an NRI in terms of Section

13-B of the Act. Further, none of the other co-owners of the demised premises ever came forward to raise any kind of objection to the filing of the eviction petition at the instance of respondent No.1 under Section 13-B of the Act nor any evidence to support such objection was even produced on record by the petitioners-tenants thus, in such circumstances, mere fact that the other co-owners of respondent Nos.1 in the demised premises were not impleaded as party to the eviction petition, the same was not to be dismissed being not maintainable.

16. In view of the detailed discussion made hereinabove, finding no merits in both the revision petitions, the same are hereby dismissed.

17.11.2025

Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>