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Om Prakash Vs Bhim Sain

Civil Revision No. 3340 of 1987

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Feb. 28, 1989

Hon'ble Judges: Ujagar Singh, J

Bench: Single Bench

Judgement

Ujagar Singh, J.
The revision petitioner moved an ejectment application against his tenant-respondent, seeking his eviction from the

premises in question, on the ground that the petitioner"s father was the landlord and Mori Ram father of the respondent was the tenant. After the

death of Chhajju Ram father of the petitioner and father of the respondent Moti Ram, both the parties claimed inheritance and their status. Rent

application (No. 15 of 22.7.1985) was being tried on merits. As the view of the courts changed from time to time on interpretation of statutes, the

apex court pronounced that even statutory tenancy was heritable. In this view of the matter, all the legal representatives of Moti Ram (deceased)

tenant inherited the tenancy held by him. Although the respondent did not raise this plea that the other legal representatives of Moti Ram were

necessary parties as legal representatives of the original tenant, but in case this application is decided in favour of the landlord, the remaining legal

representatives of Moti Ram can certainly resist delivery of possession in pursuance of the possible eviction order. To shorten litigation, the

applicant wanted to add the remaining legal representatives so that the whole controversy between the parties may be decided. After the remaining

legal representatives are made parties, they are not expected to raise any other question which has not arisen so far. Even if some other objection

is raised, it can be safely decided on the evidence already recorded. In any case if the occasion arises, the same can be disposed of after recording

any other evidence. This will bring to an end the whole controversy instead of having another round of litigation.

2. Keeping the above circumstances in view, it will be in the interest of justice that the amendment sought for is allowed. I, therefore, accept this

revision petition after setting aside the impugned order. However, since the revision petitioner has been negligent in seeking this amendment after

delay of about two years, he is burdened with costs of Rs. 200/- payable to the respondent before allowing him to lead fresh evidence, if any.

3. The parties are directed to appear before the Rent Controller on the 4th day of April, 1989.