
(1988) 11 P&H CK 0029
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 1356 of 1988

Sunita Jain

APPELLANT

Vs

Dhyan Chand and Others

RESPONDENT

Date of Decision : 29-11-1988

Acts Referred:

Citation : (1988) 11 P&H CK 0029

Hon'ble Judges : J.V. Gupta, J

Bench : Single Bench

Advocate : R.K. Gupta, for the Appellant; S.D. Bansal, for the Respondent

Final Decision : Allowed

Judgement

J.V. Gupta, J.—This petition is directed against the order of the learned Rent Controller dated 22nd April, 1988, whereby the application for impleading the legal representatives of the deceased-petitioner Raj Kumari was dismissed.

2. Raj Kumari one of the landlord-petitioners died on 20th October, 1987. Sunita Jain claiming herself to be the daughter of the deceased filed the application for bringing on record the legal representatives of the deceased. The said application was contested by the tenant Dhyan Chand. Sunita Jain appeared in the witness-box in support of her claim and there was no rebuttal thereto. In spite of that learned Rent Controller came to the conclusion that Sunita Jain has failed to prove herself to be the only legal representative of Raj Kumari deceased. Thus dismissed her application. Learned counsel for the petitioner submitted that her statement has been misread by the learned Rent Controller and there being no rebuttal, the application should have been allowed.

3. After hearing the learned counsel for the parties, I find force in the contention raised on behalf of the petitioner. The Statement of Sunita Jain has been read in this Court. She categorically stated that she is the only daughter of Raj Kumari deceased. The tenant did not come in the witness box to deny this fact. Thus the whole approach of the learned Rent Controller is illegal improper and it has

unnecessarily delayed the proceedings.

4. Consequently, this petition succeeds and is allowed with costs. Costs assessed at Rs.500/-. The parties have been directed to appear before the Rent Controller on 19th January, 1989.