

**Vikrant Sood VS. Ram Kumari and Ors.**

**Civil Revision No.86 of 2015**

**11.09.2025 Present:**

Mr. Anuj Gupta and Mr. Rohit Sharma Advocates, for the petitioner.

Mr. Deepak Gupta, Advocate, for respondents No.1 to 4.

None for respondents No.5 and 6.

Respondent No.7 is proceeded against ex parte.

Learned counsel appearing on behalf of respondents No. 1 to 4 in the case at hand submits that the tenancy has devolved upon the present petitioner as a joint tenant. He further submits that feeling aggrieved by the impugned judgment passed by the 1<sup>st</sup> Appellate Court, the other two joint tenants had preferred a revision petition, who are proforma respondents in the case at hand and they had withdrawn the revision petition so filed.

In view thereof, he further submits that the present petition at the behest of the present petitioner (joint tenant) is no longer maintainable. In order to support his contention, he has placed reliance upon **1989 3 SCC 77 titled as H.C. Pandey vs. GC. Paul**. Relevant extract whereof reads as follow:-

***“4. It is now well settled that on the death of the original tenant, subject to any provision to the contrary either negating or limiting the succession, the tenancy rights devolve on the heirs of the deceased tenant. The incidence of the tenancy are the same as those enjoyed by the original tenant. It is a single tenancy which devolves on the heirs. There is no division of the premises or of the rent payable therefor. That is the position as between the landlord and the heirs of the deceased tenant. In other words,***

***the heirs succeed to the tenancy as joint tenants. In the present case it appears that the respondent acted on behalf of the tenants, that he paid rent on behalf of all and he accepted notice also on behalf of all. In the circumstances, the notice served on the respondent was sufficient. It seems to us that the view taken in Ramesh Chand Bose is erroneous where the High Court lays down that the heirs of the deceased tenant succeed as tenants in common. In our opinion, the notice under Section 106 of the Transfer of Property Act served by the appellant on the respondent is a valid notice and therefore the suit must succeed."***

In view of the aforesaid, list for consideration on the question of maintainability of the present petition on 15<sup>th</sup> September, 2025.

**(Bipin C. Negi)  
Judge**

September 11, 2025  
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