2026:AHC:106784

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 2014 of 2026

Kush Saigal And 2 Others

.....Petitioner(s)

Versus

Gaurav Shukla And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Prateek Sinha
Counsel for Respondent(s)	:	Jitendra Pratap Singh

Court No. - 35

AFR

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

Heard Sri Prateek Sinha, learned counsel for the petitioners and Sri Jitendra Pratap Singh, learned counsel appearing for the respondents.

2. The present petition has been filed, seeking to assail the order dated 10.09.2025 passed by the Rent Authority in Rent Case No. 376 of 2025 (Gaurav Shukla and others vs. Divendra Kumar Saigal and others) under Section 4(3) of U.P. Act No. 16 of 2021, as well as the subsequent order dated 20.12.2025 passed by the Rent Tribunal in Rent Appeal No. 225 of 2025, whereby the said order has been affirmed.

3. It is sought to be contended that by means of the order dated 10.09.2025, an application seeking substitution of the legal heirs of deceased Divendra Kumar Saigal, respondent in the rent case, had been allowed and a direction was issued to substitute the legal heirs. Learned counsel for the petitioners submits that the proceedings before the Rent Authority had been initiated by impleading the said respondent, who was already dead at that point of time. It is argued that the legal heirs of the deceased could subsequently be brought on record only by way of impleadment and not by way of substitution.

4. It is further contended that when the order permitting substitution was challenged in appeal, the Appellate Court, treating the same as a mere amendment in the array of parties, declined to interfere with the order

passed by the Rent Authority.

5. *Per contra*, learned counsel appearing for the respondents submits that the impleadment of Devendra Kumar Saigal at the time of filing of the application before the Rent Authority was made under a misconception and, upon coming to know that he was no longer alive, an application was moved for substitution so as to bring on record the legal heirs of the deceased respondent. It is submitted that the respondents-landlords acted *bona fide* and the Rent Authority has rightly directed that the legal heirs be brought on record in the interest of justice.

6. It is not disputed that the other joint tenants were already parties to the proceedings. In such circumstances, even if all the legal heirs, who were joint tenants, had not initially been impleaded, the proceedings would not fail, inasmuch as it is not necessary to implead each and every joint tenant as a party in eviction proceedings. At best, such persons may be treated as proper parties. Furthermore, now that the legal heirs have already been brought on record, the mere fact that the application was filed subsequently would not make any substantial difference to the maintainability or validity of the proceedings.

7. The law is well settled that procedural rules are intended to advance the cause of justice and not to thwart it. Procedure is the handmaid of justice and cannot be permitted to defeat substantive rights where no prejudice is shown to have been caused to the opposite party. Hyper-technical objections with regard to nomenclature of an application, whether styled as substitution or impleadment, cannot override the substance of the matter once the necessary parties are before the authority and full opportunity of contest has been preserved.

8. The mere impleadment of a deceased person at the institution of proceedings, when occasioned by *bona fide* mistake and subsequently corrected by bringing the legal heirs on record, does not *ipso facto* render the proceedings *non est*, particularly where other necessary or joint parties were already before the authority and no prejudice is demonstrated. Courts and tribunals are required to examine the substance of the proceedings rather than the form of the application. A procedural defect

capable of rectification ought not to defeat an adjudication on merits. Interference is warranted only where such correction results in jurisdictional error, manifest injustice, or patent perversity, and not merely on technical objections relating to nomenclature or procedure.

9. The mere impleadment of a deceased person at the institution of proceedings, when occasioned by *bona fide* mistake and subsequently corrected by bringing the legal heirs on record, does not by itself render the proceedings *non est*, particularly where other necessary or joint parties were already before the authority and no prejudice is shown. Courts and tribunals must examine the substance of the proceedings rather than the form of the application. A procedural defect capable of rectification ought not to defeat adjudication on merits, nor can technical objections relating to nomenclature of the application override the ends of justice.

10. Learned counsel for the petitioners has not disputed the aforesaid legal position.

11. In view of the aforesaid facts and circumstances, this Court does not find any manifest illegality, jurisdictional error, or perversity in the orders impugned so as to warrant interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

12. The petition lacks merit and is, accordingly, **dismissed**.

(Dr. Yogendra Kumar Srivastava,J.)

May 8, 2026
RKK/-

Digitally signed by :-
RAJ KUMAR KANNAUJIA
High Court of Judicature at Allahabad