

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

248

**Civil Revision No.1567 of 2015
Date of Decision:24.09.2015**

Piao Mangat Ram Wali @ Bhuteshwar Mandir

....petitioner

Versus

Jitender Aggarwal and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Sudhir Aggarwal, Advocate
for the petitioner

None for respondents No.1 and 2

ARUN PALLI, J.(ORAL):-

Learned counsel for the petitioner submits that since respondent No.3 i.e.Narain Singh, is merely a proforma respondent, his service be dispensed with. Ordered accordingly. As per office report, respondents No.1 and 2 have been duly served but none has caused appearance on their behalf and are, thus, proceeded against ex parte.

Vide order being assailed dated 18.02.2015 (Annexure P4) application moved by the petitioner under Order 1 Rule 10 CPC to be arrayed as a party to the eviction petition, has since been dismissed by the Rent Controller, Gurgaon.

In an application moved by the petitioner, it was

maintained that it was in possession of khasra No.211, Hidayatpur Chawni, Gurgaon, and, thus, be arrayed as a party. Learned Rent Controller declined the prayer of the petitioner, since the petitioner sought to be arrayed as party to the petition filed by respondents No.1 and 2, against respondent No.3, under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 (for short, 'the Act'). And the provisions of Section 13-A of the Act could apply only to a landlord and tenant. Concededly, the petitioner does not claim any relationship of landlord and tenant between it and respondents No.1 and 2. This is not its case that it was inducted in the demised premises at the instance of the said respondents. Once that is so, its prayer to be arrayed as a party to eviction petition, was wholly misconceived.

Learned counsel for the petitioner could not point out as to how the conclusion arrived at by the Rent Controller was either contrary to the position on record or suffered from any material illegality.

That being so, no interference in exercise of revisional jurisdiction under Article 227 of the Constitution of India is warranted. The petition being devoid of merit is accordingly dismissed.

24.09.2015

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(ARUN PALLI)
JUDGE