

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

CR No.2280 of 2015(O&M)

Date of Decision : 23.4.2015

Baljeet Singh

.....Petitioner

Versus

Amrish Kumar Jindal and ors.

.....Respondents

CORAM:- HON'BLE MR. JUSTICE GURMIT RAM

Present: Mr. Rajinder Goyal, Advocate for the petitioner.

Mr. Akshay Jindal, Advocate for the caveators-
respondents.

GURMIT RAM, J.

This revision petition has been filed by Baljeet Singh against the order dated 14.3.2015 vide which his application under Order 1 Rule 10, CPC, for impleading him and one Deepika Gupta as parties to the ejectment petition was dismissed by learned Rent Controller, Ludhiana.

2. Brief facts as mentioned in the application under Order 1 Rule 10, CPC, before the learned Rent Controller were that the landlords have claimed ejectment of M/s Ganesh Iron Store and its partners from the entire property No.495, Industrial Area – B, Ludhiana (hereinafter referred to as the plot) on the ground of non-payment of rent and personal use and occupation. This petition is being contested by M/s Ganesh Iron Store half-heartedly which shows that the tenant has

colluded with the petitioners. There had been a long drawn litigation between the predecessors of landlords prior to the filing of the instant ejectment petition under Section 13 of East Punjab Urban Rent Restriction Act, 1949(hereinafter referred to 'the Act'). After losing battle up to Hon'ble Apex Court, they have filed the instant ejectment petition against M/s Ganesh Iron Store and its partners.

In the earlier litigation, there was consistent stand of the landlords that M/s Ganesh Iron Store is a tenant in three rooms and one shed with a right to passage. It was nowhere claimed in the previous ejectment petitions by the predecessors of the present petitioners that M/s Ganesh Iron Store was a tenant in the entire property. In this connection, it is the plea of present applicants that remaining portion of the plot was in possession of Kavita Rani and others, a portion of which was let out to Deepika Gupta by Kavita Rani vide a rent note wherein she is carrying on the business in the name and style of M/s Kabir Sahib Industries. Similarly, some portion of this plot was let out to Baljeet Singh vide a rent note. The above-said plot is measuring 1350 Square yards and there are other tenants in it also. The petitioners have filed the instant ejectment petition only against M/s Ganesh Iron Store and its partners by concealing the fact that a major portion of this plot is in possession of many other tenants including Deepika Gupta and Baljeet Singh. The petitioners tried to dispossess Deepika Gupta and Baljeet Singh from the above said premises forcibly and as such they have filed suits for permanent injunction separately which are stated to be pending in two different Civil Courts at Ludhiana. Deepika Gupta and Kavita Rani acquired the

knowledge about the pendency of this ejectment petition, when written statement was filed on behalf of the petitioners in the Court Mrs.Mehak Sabharwal, learned Civil Judge, Ludhiana in the suit. The present applicants are necessary parties for the proper adjudication of instant ejectment petition since they are in possession of the premises, which are alleged to be in exclusive possession of M/s Ganesh Iron Store in this ejectment petition and hence the instant application.

3. On notice, the petitioners filed reply taking preliminary objections that this application is sheer abuse of process of law as the same has been filed with a *mala fide* intention to delay decision of the main case; that this application has been got filed by the respondents; that Deepika Gupta is non else than the daughter-in-law of Ashok Kumar respondent and Baljeet Singh is closely related with the respondents; that the applicants have no locus standi to file this application since there is no privity of contract qua the demised premises between the applicants and the petitioners and that the alleged rent note, partnership etc. are fabricated during the pendency of the case. It is also their case that during the pendency of the petition the respondents got filed a separate suit from Deepika Gupta who is the daughter-in-law of Ashok Kumar in which they impleaded the petitioners as well as Ashok Kumar and Kavita Rani wife of Ashok Kumar as defendants. On merits, it is denied that M/s Ganesh Iron Store etc. has been contesting the ejectment petition half heartedly or that they are colluding with the petitioners. It is their further case that after the death of Prem Chand, one of the partners of M/s Ganesh Iron Store, one Anoop Jindal was made as a

partner in the firm of M/s Ganesh Iron Store being LR of Prem Chand. Ashok Kumar made his wife Kavita Rani as a partner in this firm. Rest of the averments made in the application, were also denied by the petitioners.

4. The learned Rent Controller after hearing the learned counsel for both the parties and going through the record as well dismissed this application vide the impugned order.

5. Feeling dissatisfied with this order, the present petitioner Baljeet Singh has come up in the instant revision petition.

6. Counsel for the petitioner was heard and record was also perused.

7. The learned counsel for the petitioner has contended that the impugned order is absolutely wrong, illegal as well as perverse being against the record and the facts. In this connection, he has referred to the rent notes stated to be executed by Kavita Rani in favour of Deepika Gupta and Baljeet Singh vide which some portion of the plot in question was allegedly let out to them differently. It is further his plea that said Deepika Gupta and Baljeet Singh are running their respective businesses in part premises of the above-said plot. The petitioners have not impleaded them as a party in the instant ejectment petition intentionally by concealing the material facts from the Court. It is also his contention that besides Baljeet Singh and Deepika Gupta, there are other tenants also in the above-said plot.

8. During the course of arguments, it was inquired from the learned counsel for the petitioner regarding the status of Kavita Rani

qua the premises which were allegedly let out by her in favour of Deepika Gupta and Baljeet Singh vide two different rent notes. He could not give any satisfactory answer to this query. At one time, he answered that said Kavita Rani is one of the co-owners in the plot and whereas at the same time, he stated that she is in adverse possession of that portion of the plot which was allegedly let out by her to said Deepika Gupta and Baljeet Singh. It is an admitted fact that this Kavita Rani is the wife of Ashok Kumar who was arrayed as respondent No.2 in the main ejectment petition. Then it is also the case of the petitioners that Deepika Gupta is the daughter-in-law of said Ashok Kumar and Kavita Rani, whereas Baljeet Singh is also close relative of respondents. When her own stand of Kavita Rani qua the premises allegedly let out by her is not clear, then certainly she has no locus-standi to let out the same to anybody. Her husband as above-said is arrayed as respondent No.2 in the main ejectment petition being one of the tenants in the plot. Then it is also mentioned in the impugned order that in the written statement Ex.PG filed by the present petitioners along with others in the suit for injunction filed against them, they had pleaded that earlier only three rooms, a shed, verandah and right of incoming and outgoing the premises were given on rent to respondent No.1, but at present this respondent is a tenant of whole of the plot consisting of four rooms, verandah open space, shed etc. from January 1978 onwards on a monthly tenancy of Rs.425/-.

9. In the light of the above discussion, it is held that this application had been got filed by the respondents in order to delay the proceedings of the main ejectment petition, when as above-said it has

come on the file that Kavita Rani is the wife of Ashok Kumar – respondent No.2 and whereas Deepika Gupta is their daughter-in-law. Moreover, as above-said Kavita Rani was not authorized to let out any portion of the plot in question. So, there is nothing wrong in the impugned order and therefore, this revision petition stands dismissed being meritless and disposed of accordingly.

Since the main revision petition has been disposed of, the miscellaneous application, if any, also stands automatically disposed of having been rendered infructuous.

23.4.2015
Brij

(GURMIT RAM)
JUDGE

1. To be referred to the Reporters or not? Yes/No
2. Whether the judgment should be reported in the Digest? Yes/No