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

CR No.3049 of 2015 (O&M)

Date of decision: May 06, 2015

Dharmender Singh

.....Petitioner

Versus

Jaipal Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Varun Gupta, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 27.04.2015 (Annexure P-6).

Learned counsel for the petitioner has submitted that the petitioner and his father and brothers were carrying a joint business in the shop in question. Therefore, petitioner was necessary to be impleaded as a party in the ejectment petition filed by the land-lord-respondent No.1.

In the present case, respondent No.1 has sought ejectment of respondent Nos.2 and 3 from the shop in question. During the pendency of the ejectment petition, petitioner moved an application under Order 1 Rule 10 of Code of Civil Procedure, 1908 for being impleaded as a respondent. The learned Rent Controller rightly dismissed the application moved by the petitioner as in the present case, the partnership deed relied by the petitioner was executed on 15.11.1986, whereas the shop in question was

taken on rent by respondent No.2 in the year 1988. During the course of arguments, it has transpired that a written rent note was executed between the parties and as per the same, the shop in question had not been let out in the name of partnership firm. It has been noticed by the learned Rent Controller that as per the rent note, the shop in question had been taken on rent by respondent No.2 in his individual capacity to run the business of Photostat, typing and form selling. In case, the petitioner is running the business with his father, then it is their internal arrangement. Father as well as brother of the petitioner are already pursuing the litigation.

In these circumstances, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 06, 2015

m.singh