

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT  
CHANDIGARH

CR No. 3304 of 2014 (O&M)  
Date of Decision: 14.07.2015

Vinod Kumar and others

.....Petitioners

Vs.

Harinder Kumar and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

Present: Mr. Ashok Kumar Sharma, Advocate,  
for the petitioners.

Mr. Rishabh Gupta, Advocate, for  
Mr. Vikas Mohan Gupta, Advocate,  
for respondent No. 1.

\*\*\*\*\*

**SABINA, J.**

Petitioners have filed this petition challenging the order  
dated 22.04.2014,

Learned counsel for the petitioners has submitted that  
petitioner No. 1 was the resident of Chandigarh whereas petitioner  
No. 2 was the resident of Naya Gaon. Respondent No. 1 had not  
given the correct addresses of the petitioners and consequently, they  
were not duly served. Petitioners were ordered to be served by way  
of publication but newspaper Chardikala has no circulation in  
Chandigarh or Village Naya Gaon.

Respondent No. 1 has sought ejectment of the petitioners  
and respondents No. 2 to 5 by moving a petition under Section 13 of  
the East Punjab Urban Rent Restriction Act, 1949.

Learned counsel for respondent No. 1, on the other hand, has submitted that initially the property was rented out to Gian Chand Malhotra, father of the petitioners. After his death, respondent No. 2 was running business in the demised shop. The ejectment proceedings were duly contested by respondent No. 2. Petitioners are the brothers of respondent No. 2 and had failed to appear before the trial Court despite service. Petitioners were proceeded *ex parte* vide order dated 05.03.2012. They had failed to appear before the trial Court despite publication. Thereafter, petitioners moved an application for setting aside the *ex parte* proceedings against them.

Petitioner No. 1 is the resident of Chandigarh whereas petitioner No. 2 is resident of Village Naya Gaon. They are not running the business in the shop situated in Patiala. Respondent No. 2, brother of the petitioners is duly contesting the ejectment petition. It appears that it is respondent No. 2, who is actually running the business in the demised shop.

In the facts and circumstances of the present case, the learned trial Court rightly allowed the petitioners to join the proceedings at the pending stage vide order dated 22.04.2014.

Hence, no ground for interference is made out.

Dismissed.

However, any observation made above shall have no bearing on the merits of the case.

**(SABINA)  
JUDGE**

July 14, 2015  
nitin