

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

CR No. 3677 of 2014 (O&M)

Date of decision: 13.03.2015

Kishore Sareen

... Petitioner

versus

Vijay Kumari and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ish Puneet Singh, Advocate for the petitioner.

None for the respondents.

K.Kannan, J.

The petitioner who had obtained an order of eviction against his tenants sought for impleadment in a rent petition filed by the subsequent purchasers from his sister against the very same tenant. Evidently, the instant suit had been brought that an intent to frustrate the petitioner's order of ejectment obtained against the tenant. The impleadment petition was dismissed.

I find the order to be wrong, for, if a motivated action is brought about to frustrate a decree obtained for an ejectment against the very same tenant then the Court will have appropriate opportunity to examine whether the petitioner before the court below could treat himself as a landlord and seek for continuation of proceedings when the tenant has already been ordered to be evicted in an action brought against him by his own landlord. The trial Court omitted to take note that the tenant was literally attempting to create a new evidence that could nullify the lawful decree obtained. The petitioner will surely be a proper party to the proceedings to expose the fraud that has been committed by the tenant in connivance with the new purchaser.

The order already passed is set aside and the revision petition is allowed.

**(K.KANNAN)
JUDGE**

13.03.2015