

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

CR-5507-2015

Date of decision-30.09.2015

MRS. GAUREE PRAKASH

...Petitioner

VS

MAHESH SHARMA AND ANR.

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Prateek Rathee, Advocate
for the petitioner.

RAJ MOHAN SINGH, J (Oral)

Order dated 03.04.2015 has been assailed in this revision petition vide which application under Order 1 Rule 10 (2) read with Section 151 CPC for striking out the name of respondent No.1 from the array of parties in ejectment petition, has been dismissed. Admittedly, an ejectment petition under Section 13 of Haryana Urban (Control of Rent and Eviction) Act, 1973, is pending before the Rent Controller. In the aforesaid ejectment petition, petitioner/respondent No.1 has been impleaded as principal tenant along with respondent No.2 as sub-tenant. Respondent No.1, the petitioner claims that he is not in possession of the tenanted premises as the same has been handed over to sub-tenant/respondent No.2 from whom landlord has started accepting rent @ Rs. 48,000/- p.m. Therefore, respondent No.1/petitioner is not proper party to the ejectment petition and no cause of action survives qua her. Deletion of her name from array of parties from Rent Controller as being sought.

Rent Controller dismissed the application on the ground that she is necessary party for the purposes of deciding factum of sub-letting as evidently she was the original tenant against whom ground of sub-letting has been alleged. Even respondent No.2 is proved to be mother-in-law of respondent No.1. Factum of sub-

letting and acceptance of rent directly from alleged sub-tenant are the facts which are required to be gone into by the Rent Controller. At this stage, it cannot be observed that original tenant is entitled to get her name deleted from the array of parties. No indulgence can be granted by the Court as the impugned order is not found to be the result of any jurisdictional error.

Accordingly, the revision petition is dismissed.

September 30, 2015

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(RAJ MOHAN SINGH)
JUDGE