

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

CIVIL REVISION NO.8525 OF 2016

DATE OF DECISION: DECEMBER 16, 2016

Raman Kumar Garg

.....Petitioner

VERSUS

Rohit Garg and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr.Diwan S. Adlakha, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

Challenge in this petition is to the order dated 08.11.2016 passed by the Rent Controller, Yamuna Nagar at Jagadhri, whereby an application under Order 1 Rule 10 read with Section 151 C.P.C. filed by Raman Kumar Garg (petitioner herein) for being impleaded as a respondent to the petition on the ground that he is in possession of the demised premises, stands rejected.

It is the contention of learned counsel for the petitioner that the petitioner is son of Balwant Rai Garg, who is admittedly the tenant of petitioner, Rohit Garg, who is asserting himself to be the landlord. He contends that the petitioner, being son of Balwant Rai Garg, has effectively been running his business of *Karyana* in the shop under the name and style of Balwant Rai & Sons. For the last five years, his father, Balwant Rai Garg, is not looking after the shop and it is Raman Kumar Garg (petitioner herein) who is running the shop and in fact paying the electricity bills etc. The application, therefore, as filed by the petitioner, should have been accepted

by the Rent Controller, Yamuna Nagar at Jagadhri as he would be the actual effected party because he is in possession of the demised premises.

This contention of learned counsel for the petitioner cannot be accepted in the light of the joint written statement, which the petitioner had filed alongwith his father Balwant Rai Garg in a previous litigation, where in the ejectment petition, one of the ground, which was taken was sub-letting of the shop in dispute to present petitioner, Raman Kumar Garg by Balwant Rai Garg. The joint written statement, which was filed in response thereto, clearly indicated that the tenant was Balwant Rai Garg and the petitioner was only helping him in his business and as a matter of fact, it was asserted that Balwant Rai Garg was running the business of *Karyana* in the name of his firm Balwant Rai & Sons in the shop in dispute. It is, thus, an admitted position that Raman Kumar Garg is only a helper in the business and the real tenant was Balwant Rai Garg and, therefore, the petition, as has been preferred against Balwant Rai Garg, in the light of the admitted facts in the written statement, which has been referred to in extenso by the Rent Controller, Yamuna Nagar at Jagadhri in his impugned order dated 08.11.2016, cannot be said to be without any basis or justification.

The order, as has been passed by the Rent Controller, Yamuna Nagar at Jagadhri, being in accordance with law does not call for any interference by this Court in exercise of its revisional jurisdiction.

The present petition, therefore, stands dismissed.

December 16, 2016
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No