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

Civil Revision-1534-2017 (O&M)

Date of decision:03.03.2017

SHAM LAL

... Petitioner

versus

BALDEV RAJ MAINI & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sahil Khunger, Advocate,
for the petitioner.

HARI PAL VERMA, J. (Oral)

Through the instant revision petition, petitioner-Sham Lal has impugned the order dated 02.11.2016 passed by Rent Controller, Ferozepur whereby the application filed by the respondent-landlord under Order 1 Rule 10 and Order 6 Rule 17 read with Section 151 CPC seeking permission to implead Om Parkash son of Gulzari Lal as respondent, who is the father of the present petitioner, has been allowed.

Learned counsel for the petitioner has argued that initially the respondent had filed a petition under Section 13 of East Punjab Urban Rent Restriction Act, seeking eviction of the petitioner from the shop, in question, treating him as a tenant. However, when the present petitioner-tenant filed reply denying the very relationship of landlord and tenant, the respondent-landlord filed an application Order 1 Rule

10 and Order 6 Rule 17 read with Section 151 CPC seeking permission to implead Om Parkash son of Guljari Lal as respondent, who is the father of the present petitioner. Accordingly, the amendment in the main petition was sought.

He has further argued that the present petitioner was never a tenant and, therefore, he has unnecessarily been arrayed as a respondent in the rent petition. Even if the respondent-landlord want to amend the petition or implead petitioner's father Om Parkash as a party, he has to avail separate remedy by filing a fresh petition instead of multiplying the issues. He has stated that the petitioner is not aware whether his father was ever a tenant of Sudarshan Kumar or not. To substantiate his contentions, he has referred judgments of this Court rendered in **Subhash Chander and others Versus Lala Baij Nath Aggarwal and others-1993(2) PLR 460** and **Ranjit Singh Versus K.K. Sikand-1995(3) PLR 641.**

I have heard learned counsel for the appellant.

Initially, the shop, in question, was owned by one Sudarshan Kumar and after his death, his legal heirs have sold it to Baldev Raj Maini-respondent No.1-landlord. The fact remains that petitioner is the son of Om Parkash and, therefore, he may not be a necessary party, but in order to decide the controversy involved in the case, it cannot be denied that he is not a proper party. Therefore, the impleadment of Om Parkash as one of the respondents is proper so as to settle the controversy in hand. The judgments so cited by the counsel

are not relevant in the instant case.

Accordingly, the revision petition stands dismissed.

(HARI PAL VERMA)
JUDGE

03.03.2017
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No