

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

C.R. No. 1926 of 2017 (O & M)

Date of decision: 06.04.2017

Vijay Kumar Aggarwal

....Petitioner(s)

Versus

Manjinder Singh and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The present revision petition filed by the tenant is directed against the order dated 21.01.2017 (Annexure P-6) passed by the Rent Controller, Amritsar whereby, the application under Order 1 Rule 10 read with Section 151 CPC for impleading M/s. Ram Niwas Vijay Kumar Aggarwal through Ram Niwas Aggarwal and also for impleading the said partner has been allowed. The petitioner is none else than another partner of the said firm. The Court came to the conclusion that the presence of the firm was very much necessary for proper adjudication of the case and, therefore, allowed the application.

Counsel for the petitioner has vehemently submitted that since the application had been filed in a petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (in short 'the Act'), an objection as such had been taken that the petitioner was not a tenant in the demised premises. The firm M/s. Ram Niwas Vijay Kumar Aggarwal through Ram Niwas Aggarwal, its proprietor had taken the shop vide rent note dated 09.04.1974 which was in lawful possession. A fresh rent note had been

drawn up on 05.01.1988 and thereafter, another one on 17.10.1997 by the Firm through Sh. Ram Niwas Aggarwal and the present petitioner. Therefore, the petitioner was never there in his individual capacity and the petition was bad for non-joinder of necessary parties. It is submitted that though a reply had been filed as such to the application under Section 18-A of the Act denying the averments but by virtue of the present application, an attempt has been made to get away from the reply as such which the Court has failed to take into consideration.

The said argument is not liable to be accepted. The Court is to adjudicate upon the rights of the landlord and the tenant and as to whether the tenant is liable to be evicted. Technicalities are not to come in the way and the rules of procedure are handmaids of justice. In such circumstances, if the application is allowed, it would only enable the Court to finally adjudicate on the actual controversy between the parties and regarding the right of the parties as such under Section 13-B of the Act. It is also to be noticed that a petition under Section 13-B of the Act can only be filed once in the lifetime of the landlord and, therefore, it would be gravely prejudiced as such if the application is dismissed and proper parties are not brought on record. Even otherwise, the landlord has only sought to implead the necessary parties in view of the objection taken by the tenant.

Accordingly, there is no merit in the present revision petition and the same is dismissed in limine.

06.04.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No