

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

**Civil Revision No.1979 of 2017 (O&M)  
Decided on : 23.03.2017**

M/s Ganga Colour Lab and another

... Petitioners

Versus

Janak Rani and others

... Respondents

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

Present : Mr. Sunish Bindlish, Advocate  
for the petitioners.

**G.S. Sandhawalia, J. (Oral)**

The petitioners-tenant are aggrieved against the order passed by the Appellate Authority, Ferozepur dated 09.01.2017 (Annexure P-3), which has been challenged in revision under Article 227 of the Constitution of India, whereby the application under Order 1 Rule 10 CPC for impleadment of respondents No.2 to 5 has been allowed during the pendency of the appeal.

The reasoning given by the Appellate Authority was that the eviction had been ordered vide order dated 21.04.2014 by the Rent Controller, Ferozepur and the applicants had purchased the property during the pendency of the appeal and, therefore, they sought impleadment. It was rightly noticed by the Appellate Authority that there were grounds of bonafide personal necessity, which benefit cannot be given as such to the applicants, in view of the purchase of the property by them, but the question of sub-letting as such would still subsist and would effect their right. It was

also held that the same would be considered at the appropriate stage, whether the benefit of the decision could be given to them and, therefore, the argument that they were not liable to be impleaded was rejected.

Counsel for the petitioner has relied upon the judgment of the Division Bench of this Court in '**Ram Dass Vs. Sukhdev Kaur and others'** 1981 PLR 440 that the provisions of CPC would not be applicable and, therefore, the impleadment was not justified.

A perusal of the said judgment would go on to show that in the said case the tenant had challenged the permission granted to file a fresh application by the Appellate Authority to the landlord under Order 23 Rule 1 (3) CPC on account of formal defect as such in the ejectment application. Resultantly, revision petition as such was allowed, but the Appellate Authority was given liberty to decide the application *de hors* provisions of Order 23 Rule 1 (3) CPC by holding that the Controllers and the Appellate Authorities being *persona designata* are entitled to devise their own procedure within the confines prescribed by the Act itself.

Under similar circumstances in the present case, the applicants have stepped into the shoes of the landlord/owner and, therefore, have got the same rights as such. The liberty has also been given by the Appellate Authority that the matter would be considered at the time of final decision. Reliance has been rightly placed upon the judgment passed in '**Chander Bhushan Anand Vs. Devinder Kumar**

**Singla' 2010 (2) PLR 115**, by the Appellate Authority wherein it has been held rules of procedure are handmaid's of justice, while upholding the restoration order passed by the Rent Controller. The relevant portion reads as under:-

*“26. Moreover, such rules of procedure are handmaid of justice. The Court must always be anxious to do justice and to prevent victories by way of technical knock-outs. Procedural law is not to be a tyrant but a servant, not an obstruction, but an aid to justice. Procedural prescriptions are the handmaid and not the mistress, a lubricant, not a resistant in the administration of justice. It is no doubt true, that rules of procedure are meant to further the course of justice and the effort of every Court is to afford an effective opportunity to the contesting parties to substantiate their respective pleas. That is what the Rent Controller appears to have done in this case. To my mind, the Rent Controller has considered the matter in a right perspective and restored the main ejectment petition of the landlord and such just order cannot possibly be set aside in exercise of revisional jurisdiction of this Court, which is very limited and is confined only to testing the legality or propriety of the orders under revision. It is now well settled proposition of law that it is not the province of this Court to set aside such orders unless the same are perverse and without jurisdiction. No such irregularity or patent illegality has been pointed out by the learned counsel for the tenant. It is, therefore, the impugned order is hereby affirmed in the obtaining circumstances of the case.”*

Accordingly, keeping in view the above, there is no vested right as such of the tenant to agitate that on account of the sale, the purchasers would have no right to be impleaded in the appeal to defend the order of ejectment passed.

In such circumstances, there is no illegality and infirmity in

the order impugned which would warrant interference. Accordingly, the present revision petition is dismissed in limine.

MARCH 23, 2017  
Naveen

(G.S. SANDHAWALIA)  
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No