

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

Civil Revision No.3526 of 2017 (O&M).
Decided on:-May 16, 2017.

Jaswinder Kumar and another

.....Petitioners.

Versus

Santokh Singh and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Avtar S. Khinda, Advocate
for the petitioners.

HARI PAL VERMA, J. (ORAL)

The petitioners have filed the present revision petition under Article 227 of the Constitution of India for setting aside the order dated 22.11.2016 passed by the Additional Civil Judge (Senior Division), Kapurthala whereby the application filed under Order VII Rule 11 CPC moved by petitioner No.1 Jaswinder Kumar for rejection of the plaint, was dismissed.

Learned counsel for the petitioners has argued that on 04.01.2016 in rent petition titled as ***Santokh Singh Versus Jaswinder Kumar and another***, the counsel for respondent-landlord Santokh Singh has made a statement before the Additional Civil Judge (Senior Division), Kapurthala that he does not want to pursue the said rent petition due to

technical reasons and, therefore, he be permitted to file a fresh/new rent petition qua the shop in question. It is only thereafter, the present rent petition has been filed by the respondent-landlord. The petitioners have no concern with the shop in dispute, but still they have been impleaded in the fresh rent petition. Therefore, the very rent petition filed by the respondent-landlord is liable to be rejected qua the petitioners as provided under Order VII Rule 11 CPC.

I have heard learned counsel for the petitioners and perused the impugned order.

The impugned order shows that the respondent-landlord has pleaded in his rent petition that it is the petitioner, who has sublet the shop in question. Therefore, he has been rightly impleaded. The allegation against the petitioner is that he has sublet the shop to petitioner No.2 Lakh Raj (since deceased and is being represented by his legal heir i.e. petitioner No.1). Therefore, the petitioner No.1 is a proper party and there is no illegality in the impugned order dated 22.11.2016 passed by the Additional Civil Judge (Senior Division), Kapurthala.

Thus, this Court does not find any merit in the instant petition. Accordingly, affirming the impugned order, the present revision petition is dismissed.

May 16, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No