

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

C.R. No. 6694 of 2016 (O & M)

Date of decision: 23.05.2017

Anil Transport Company Pvt. Ltd. through its DirectorsPetitioner(s)

Versus

Lala Munshi Ram Charitable Trust (Regd.), Fazilka and another
...Respondent(s)

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

Present: Mr. A.P. Kaushal, Advocate,
for the petitioners.

Mr. Anish Setia, Advocate,
for respondent no. 1.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 11546-CII of 2017

Application for placing on record the copy of Annexure R-1 is
allowed, subject to all just exceptions.

The same is taken on record.

C.R. No. 6694 of 2016

The present revision petition has been filed against the order dated 16.08.2016 (Annexure P-3) passed by the Rent Controller, Fazilka whereby, the application under Order 1 Rule 10 CPC of the petitioner-applicant has been dismissed to be impleaded as a party in the eviction petition inter se respondents no. 1 and 2, the landlord and the tenant.

Counsel for the petitioner has vehemently submitted that on an earlier occasion, an eviction petition was filed by the same respondent

against Iqbal Singh which was dismissed and, therefore, the applicant is entitled to be impleaded. It is further submitted that Anil Transport Company through its Directors Dilbagh Singh and Satpal Singh sons of Raghubir Singh are also necessary parties since Iqbal Singh is also son of Raghubir Singh.

A perusal of the impugned order would go on to show that the Rent Controller has relied upon the rent deed dated 02.06.1985 which has now also been placed on record as Annexure R-1 whereby, the tenancy of the premises in question was created. In the rent note, the property has been leased out by respondent no. 1 to respondent no. 2 and there is no mention of Anil Transport Company, the present applicant. The argument that on an earlier occasion, the petitioner was also arrayed as a respondent has also been rightly rejected by the Rent Controller as it has noticed the averments made in the earlier petition also that the present applicant had only been joined to avoid any technical objections and complications and it was specifically averred that respondent Iqbal Singh had taken the tenanted premises on rent. The principle of *dominus litus*, thus, comes into play. The landlord is seeking eviction of the tenant. Merely because the premises might be used for the purposes of running a business in which the applicant might be a user does not give the right to the applicant to be impleaded as such in the eviction petition. As per the rent note itself, there is no relationship inter se the parties and the landlord cannot be forced to litigate against a person with whom it had no contract as such and who is not its tenant. Therefore, the order which has been passed is well justified in the facts and circumstances of the present case and is not liable to be interfered with.

Accordingly, the present revision petition is dismissed.

23.05.2017 shivani	(G.S. SANDHAWALIA) JUDGE
Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No