

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

Sr. No.112

C.R. No.6412 of 2017 (O&M)

Date of decision: 22.11.2017

Kamini Bhanot

....Petitioner

versus

Gurmail Kaur and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sham Lal Bhalla, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

In the year 2012, the respondent filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, before the Rent Controller, Ludhiana, seeking therein the eviction of the petitioner from one shop forming part of building No.B-I-412 (old) and B-II-S-10-1471 (New), Deepak Cinema Road, Ludhiana (for short the 'tenanted premises').

While the above eviction petition was pending, the petitioner filed an application under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 (for short the 'Code') for impleadment of M/s Bhanot Enterprises (for short the 'Firm') through LRs of its proprietor Arun Kumar Bhanot which through the impugned order has been rejected.

Learned counsel for the petitioner contends that the Rent Controller, Ludhiana, erred in dismissing the application for impleadment as it was the applicant who was the respondent's-tenant and therefore, a

necessary party. It was further submitted that the Firm was a sole proprietor concern of Arun Kumar Bhanot and on the death of Arun Kumar Bhanot on 30.01.2017, the Firm was inherited by the petitioner alongwith Arun Kumar Bhanot's other LRs and therefore, on his death, the present application had been filed.

The above submissions do not merit a favourable response.

It is not disputed that the eviction petition was filed over five years ago seeking therein the ejectment of one Hari Narayan Bhanot, who was the father of Arun Kumar Bhanot and father-in-law of the petitioner.

In his written statement filed to the eviction petition, Hari Narayan Bhanot had nowhere disputed the fact that it was not he who had been inducted as a tenant by the respondent or that it was the Firm which in fact was the respondent's tenant. In fact, in an application filed by Hari Narayan Bhanot under Order 11 Rule 14 of the Code for production of documents, he had admitted the factum of him having taken the tenanted premises on rent from Harbhajan Singh, the husband of the respondent. Further, the eviction petition was filed in the year 2012 and for about 5 years thereafter till the time the husband of the petitioner was alive he did not raise the objection which is sought to be raised by the petitioner after his death to the effect that it was he who was the tenant and not his father. Nothing has been brought on record by the petitioner to show that Hari Narayan had strained relations with his son or the petitioner and that being so, it is difficult to presume that for about five years, the husband of the petitioner was not aware about the pendency of the eviction petition. Still further, no documentary evidence has been shown to this Court through which it could be deciphered that M/s Bhanot Enterprises was the

respondent's tenant and not the aforesaid Hari Narayan Bhanot. Even otherwise, the respondent has filed the eviction petition and it is she, being the petitioner is dominus litus.

In view of the above, no merit is found in the present petition and the same is hereby dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

November 22, 2017

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No