

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.4751 of 2018
Date of decision: July 27, 2018

Balbir

...Petitioner

Versus

Seema Malhan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 16.07.2018, passed by the trial court, whereby application filed by the petitioner under Order 1 Rule 10 CPC has been dismissed.

Learned counsel for the petitioner has assailed the order. According to him, premises in question was taken on rent by M/s Escort International Insulation Company, which is a partnership concern of petitioner and proforma respondent namely, Rajkumar. Thus, applicant/petitioner is a necessary party in the petition.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, respondents No.1 and 2 filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act against proforma respondent namely, Rajkumar. During pendency of petition, applicant/petitioner filed instant application under Order 1 Rule 10 CPC

for impleading him as respondent in the petition on the ground that M/s Escort International Insulation Company had taken the premises in question on rent and Rajkumar as well as petitioner are partners of the said firm. Thus, she deserves to be impleaded as party respondent in the petition. Keeping in view the facts and circumstances of the case, the trial court dismissed the application, as it felt that petitioner is not entitled to be impleaded as party to the petition. It observed that court of Rent Controller cannot delve into question of ownership. The landlord being master of his case is fully aware against whom eviction is to be sought. I find no infirmity with the order passed. I am of the considered view that the court below has not committed any error in dismissing the application filed by the petitioner. There is, thus, no scope for interference in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

July 27, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No