

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5231 of 2018 (O&M)
Date of decision:14.08.2018.

Balraj Malhotra and another

...Petitioners

Versus

Surinder Khanna and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Yashpal Thakur, Advocate for the petitioners.

LISA GILL, J.

The petitioners are aggrieved of order dated 08.02.2018 passed by learned Rent Controller, Panchkula, whereby application under Order 1 Rule 10 CPC moved by them to implead Housing Board Haryana and others as respondents was dismissed.

Respondents filed a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 for eviction of the present petitioners from the tenanted premises i.e. ground floor of House No.1059 Sector 10, Panchkula.

An application under Order 1 Rule 10 CPC was moved by the petitioners seeking impleading the following persons as parties to the petition:-

- a) Estate Manager, C-15 Housing Board Haryana, Main Building, Sector 6, Panchkula.
- b) Chief Administrator, C-15, Housing Board Haryana, Main Building, Sector 6, Panchkula.

- c) Sh. S.K. Oberoi, resident of H.No.1077 Sector 10, Panchkula.
- d) Dinesh Sharma, resident of H.No.1070 Sector 10, Panchkula.
- e) SDO, UHVBNL, Ind. Area, Phase-II, Panchkula.

The said application was dismissed by the learned Rent Controller, Panchkula, vide the impugned order dated 08.02.2018.

Aggrieved therefrom this petition has been filed.

It is contended by learned counsel for the petitioners that respondents No.1 and 2 are not the landlords of the petitioners. Rent in question was paid by the petitioners to one S.K. Oberoi. Therefore, the application (Annexure P5) moved by the petitioners should be allowed and the impugned order dated 08.02.2018 be set aside.

I have heard learned counsel for the petitioners and have gone through the file with his able assistance.

In the application (Annexure P5) under Order 1 Rule 10 CPC, it was mentioned that "important question of law has arisen as to whether the suit premises under the Housing Board Haryana, whose date of construction has not been mentioned anywhere and whether the suit premises is having the jurisdiction of Rent Controller of Civil Court as per Section 1 (3) of the Haryana Rent Act", therefore, the parties mentioned in the foregoing paras should be impleaded to the petition.

The relevant part of the application reads as under: -

- "2. That the important question of law has arisen as to whether the suit premises under the Housing Board Haryana whose date of construction has not been mentioned anywhere and whether the suit premises is having the jurisdiction of Rent Controller or Civil Court as per Section 1 (3) of the Haryana Rent Act.

3. That the following persons are sort to be impleaded for appropriate and justifiable decision of this Hon'ble Court: -
 - a) Estate Manager, C-15 Housing Board Haryana, Main Building, Sector 6, Panchkula.
 - b) Chief Administrator, C-15, Housing Board Haryana, Main Building, Sector 6, Panchkula.
 - c) Sh. S.K. Oberoi, resident of H.No.1077 Sector 10, Panchkula.
 - d) Dinesh Sharma, resident of H.No.1070 Sector 10, Panchkula.
 - e) SDO, UHVBNL, Ind. Area, Phase-II, Panchkula.
4. That the impleading the above parties is very necessary to know about the jurisdiction and decision of the real controversy about the demises premises.”

Learned Rent Controller has rightly concluded that no ground is made out for impleading the abovesaid as parties to the eviction petition. The respondents/landlords have taken a specific plea that demised premises were taken on rent by the present petitioners. No relief is claimed by the landlords qua the said parties. Learned counsel for the petitioners is unable to point out as to how the said parties are necessary or proper parties to the petition. No infirmity or perversity is pointed out in the impugned order dated 08.02.2018 which calls for any interference by this Court in exercise of revisional jurisdiction.

Petition is accordingly dismissed.

(LISA GILL)
JUDGE

August 14, 2018
Ishwar

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No