

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CR-6436-2018 (O&M)

Date of Decision : 30.10.2018

Shafqat Jahan

..... Petitioner

Versus

Zubair Ali Khan and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mohd. Yousaf, Advocate
for the petitioner.

Mr. Naresh Jain, Advocate
for respondent No.1.

AJAY TEWARI, J. (ORAL)

This revision has been filed against the order dated 29.08.2018 (Annexure P-6) whereby the application of the petitioner under Order 1 Rule 10 CPC for impleading her as respondent in the rent petition filed by the landlord has been dismissed.

The case of the landlords was that they had given the premises on rent to the husband of the petitioner in the year 2012. The husband of the petitioner got a job and sublet the premises to his brother and they consequently filed a petition against the husband of the petitioner and his brother. During the evidence, the petitioner moved an application stating that actually after he got the job her husband had handed over the entire business to her for a period of 2-3 years and since 2012 the landlords – respondents had been receiving rent from her and therefore she prayed that

she be impleaded as respondent. The application having been dismissed the

petitioner is before this Court.

Counsel for the petitioner has argued that when a wife claims to have become a tenant in place of her husband she cannot be taken to be a third party in that sense.

Counsel for the respondents is not in a position to deny this argument. However, he points out that it is the case of the respondents that the petitioner had never paid rent to him but accepted that in such a case a spouse cannot be taken to be a third party. He further states that he has no objection if the petitioner is impleaded as respondent in the rent petition but by this stratagem the tenant has been able to delay the trial proceedings and the trial court may be directed to decide the case in any reasonable time.

Counsel for the petitioner states that the petitioner would require only three opportunities to lead her evidence at her own responsibility after filing the reply.

Keeping in view the entire conspectus of facts, I deem it appropriate to allow the petition. Ordered accordingly. The petitioner is impleaded as respondent No.3 and is permitted to file written statement on the next date before the trial court. The trial court is directed to decide the case expeditiously but in any case before the summer vacations of next year.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

October 30, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No