

CR No.8100 of 2018(O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 8100 of 2018(O&M)

Date of Decision:29.11.2018

P.L. Dhir (since deceased) through LRs Smt. Adarsh

.....Petitioner

Versus

Maninder Singh and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

LISA GILL, J.

Petitioner is aggrieved of order dated 09.10.2018, passed by the learned Rent Controller, Yamuna Nagar at Jagadhri, whereby application dated 24.05.2018 moved by the petitioner for setting aside *ex parte* order dated 05.01.2015 before the learned Rent Controller, Yamuna Nagar at Jagadhri, has been dismissed.

Respondent no.1 filed a petition under Section 13 of Haryana Urban (Control of Rent and Eviction) Act, 1973, seeking eviction of the predecessor-in-interest of the applicant-respondent and respondents no.2 to 5 being the legal representatives of applicant-Maninder Singh (deceased), who was the tenant of the demised premises. Petition was filed in November 2014. Summons sent to all the respondents were received back duly served. Except respondent-Sanjeev Dhir i.e. the brother of the petitioner, all the other respondents i.e. mother and two other sisters of the present petitioner were proceeded against *ex parte* vide order dated 05.01.2015. Earlier an application was moved by respondent-Aruna i.e., the petitioner's sister for setting aside *ex parte* proceedings against her. The landlord did not object to the same and the application was allowed way back on 20.03.2015.

Thereafter, the present application was moved by the present petitioner arrayed as respondent no.4 on 24.05.2018 at the fag end of the case when it was fixed for rebuttal evidence. The said application has been dismissed by the learned Rent Controller, Yamuna Nagar at Jagadhri, while specifically observing that the petitioner never occupied the tenanted premises at any point of time. The matter was being duly contested by her brother, who is in possession of the tenanted premises. Another sister of hers was permitted to join the proceedings. It was concluded that the application had been moved only with a view to delay the proceedings.

Aggrieved therefrom, present petition has been filed.

Learned counsel for the petitioner argues that once the landlord never objected to one of the co-respondents joining the proceedings, it is unjustified that the present petitioner is not allowed to join the proceedings. It is thus prayed that this petition be allowed.

Heard learned counsel for the petitioner.

Present petition is completely bereft and devoid of any merit. This is so for the reasons that it is not denied that the petitioner is admittedly living in Mumbai. Learned counsel for the petitioner fairly states that present is also not a case where the petitioner has not visited her brother at Yamuna Nagar since the filing of the petition in the year 2014 till the filing of the application in May 2018. There is nothing on record to indicate that relations between the petitioner, her brother and other siblings are strained. Application to set aside *ex parte* proceeding by one of the petitioner's sister was allowed way back in March 2015. Petitioner admittedly maintained a studious silence till 2018 and waited till the fag end of the trial to move the

present application. No plausible or probable reason is forthcoming. Merely because the landlord did not object to one of the respondents joining the proceedings at the initial stage cannot be a ground to allow the petitioner's application. Learned Rent Controller, Yamuna Nagar at Jagadhri, has rightly relied upon the judgment of the Hon'ble Supreme Court in **Suresh Kumar Kohli Vs. Rakesh Jain and another, Civil Appeal No. 3996 of 2018, arising out of Special Leave Petition © No. 5489 of 2014, date of decision 19.04.2018**, while dismissing the application filed by the present petitioner.

No other argument has been raised.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 09.10.2018, passed by the learned Rent Controller, Yamuna Nagar at Jagadhri, which calls for interference by this Court in exercise of revisional jurisdiction.

Petition is accordingly dismissed with no order as to cost.

29.11.2018

s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.