

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CR-8415-2018

Rajinder Kumar Goyal

.... Petitioner

Versus

Jaspal Singh and others

.... Respondents

2. CR-2747-2019

Jaspal Singh and another

.... Petitioners

Versus

Rajinder Kumar Goyal and another

.... Respondents

Date of Decision: 12.07.2019

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. BK Saini, Advocate
for the appellant (in CR-8415-2018) and
for respondent No. 1(in CR-2747-2019).

Ms. Meena Bansal, Advocate
for respondents No. 1 and 2 (in CR-8415-2018) and
for the petitioners (in CR-2747-2019).

Ms. Ravneet Bakshi, Advocate
for respondent No. 3 (in CR-8415-2018) and
for respondent No. 2 (in CR-2747-2019).

RAMENDRA JAIN, J. (ORAL)

By this common judgment, two above titled revisions, out of
which one has been filed by the landlord and another by the tenants are

being disposed of, being arisen out of a single impugned order dated 28.11.2018, of the learned Rent Controller, Moga, whereby application under Order I Rule 10 read with Section 151 CPC, filed by a stranger, namely; Julious Hans, (respondent No. 3 in CR-8415-2018 and respondent No. 2 in CR-2747-2019) for impleading him as party was allowed. For brevity, the facts are being extracted from CR-8415-2018.

Briefly, petitioner-landlord filed ejectment petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 against, respondent Nos. 1 and 2, namely; Jaspal Singh and Rajinder Singh sons of Gurbaksh Singh. During its pendency, respondent No. 3-Julious Hans, claiming himself to be a tenant in the demised shop under deceased-brother of petitioner-landlord, namely; Babu Ram, moved an application under Order I rule 10 read with Section 151 CPC, to implead him as party which has been allowed by the learned Rent Controller, vide order dated 28.11.2008 (Annexure P-4) impugned herein.

Learned counsel for the petitioner(s) *inter alia* contends that applicant-respondent No. 3-Julious Hans S/o Sant Ram, is a stranger to the lis in between them. The learned Rent Controller has wrongly permitted respondent No. 3 to become a party to the lis, allowing his application under Order 1 Rule 10 read with Section 151 CPC, ignoring the fact that respondent No. 3 has no rent note, rent receipt or any other document in his favour, showing his tenancy under Babu Ram.

On the other hand learned counsel for respondent No. 3 refuting the above submissions pleaded that learned Rent Controller has rightly impleaded him as party, in order to avoid multiplicity of

proceedings. The landlord-petitioner and tenant-respondents No. 1 and 2, hand in gloves with each other are out and out to defeat tenancy right of contesting respondent No. 3. In support of her contentions, learned counsel has relied upon a judgment of this Court in **Civil Revision No. 1375 of 1978**, titled as **Charanjeev Bhardwaj Vs. Prem Nath and another**, decided on 25.10.1978.

Having given thoughtful consideration to the rival submissions, this Court finds both the revisions merits acceptance for the reasons to follow:

In the absence of any rent receipt or rent agreement, respondent No. 3, namely; Julious Hans, can only be termed as a stranger to the lis between both the revisionists. The impugned order has been passed by the learned Rent Controller, in a very casual manner without giving any reasoning as to how and why respondent No. 3 was a necessary party to the litigation between the petitioners. The same is completely cryptic and erroneous.

The learned Rent Controller, has also failed to appreciate that petitioner-landlord is *dominus litis* and he cannot be compelled to face litigation against a stranger by impleading him as a party against his wishes, without appreciating the fact that respondent had no proof in his favour qua his alleged tenancy under deceased brother, namely; Babu Ram, of the landlord petitioner.

The facts and circumstances of the case relied upon by respondent No. 3 are completely distinguishable from the facts of present case, inasmuch as, in the instant case the real tenants against whom the

eviction petition was filed have also contested the claim of respondent No. 3 claiming themselves to be the real tenants under the petitioner-landlord.

In view of the discussion made above, both the petitions are allowed and impugned order dated 28.11.2018, is set aside.

July 12, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No