

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-1893-2021(O&M)

Date of decision:-01.11.2021

Raj Kumar

...Petitioner

Versus

Yogesh Kumar and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Siddharth Gupta, Advocate
for the petitioner.

H.S. MADAAN, J.

1. This revision petition is directed against the order dated 25.8.2021 passed by Rent Controller, Phul vide which an application filed by the revisionist Raj Kumar under Order 1 Rule 10 read with Section 151 CPC for impleading him as a respondent in the rent petition had been dismissed.

2. Briefly stated, the facts of the case are that petitioner-landlord Yogesh Kumar had filed an ejectment petition against respondent Prem Kumar son of revisionist – Raj Kumar seeking ejectment of the latter from a shop situated at New Market, Rampura Phul. On getting the notice, the respondent had put in appearance. During the pendency of such proceedings, revisionist Raj Kumar filed an application under Order 1

Rule 10 CPC submitting that he is original tenant in the shop in dispute, which was taken on rent by him from Mangat Rai deceased father of the petitioner Yogesh Kumar and during recent past, he remained ill and was unable to run the shop so he authorised his son Prem Kumar – respondent to run the shop on his behalf; that he is regularly paying the rent and on 1.6.2020, he had paid rent for three years to petitioner Yogesh Kumar @ Rs.5,000/- per month and Yogesh Kumar had issued a receipt in his favour, therefore, he is a proper and necessary party and he be impleaded as respondent in the ejectment petition.

3. That application was resisted by petitioner-landlord contending that Prem Kumar had entered into rent agreement with the petitioner on 30.4.2004 and there is relationship of landlord and tenant between the petitioner Yogesh Kuamr and respondent – Prem Kumar and Raj Kumar has no concern therewith. Therefore, the application be dismissed.

4. After hearing the counsel for the parties and going through the record, learned Rent Controller, Phul had dismissed the application. The operative part of the order runs as follows:

6. So from the above discussion it is quite clear that the relationship of landlord and tenant in between the petitioner Yogesh Kumar and respondent Prem Kumar is duly admitted and also it is prerogative of the petitioner to impleaded any person as party to the petition. Even the applicant Raj Kumar has not produced any rent receipt executed in his favour by Yogesh Kumar from 01.04.2004 till 31.05.2020 to prove that he is the tenant in the

demised shop. Also, the receipt dated 01.06.2020 produced on record by the applicant is yet to be proved on record and the respondent has not specifically denied the execution of rent note dated 30.04.2004, in between him and the petitioner which is a deemed admission on his part. During the course of arguments, the counsel for petitioner has placed on record few photographs showing that the respondent Prem Kumar is sitting and running the demised shop under the name and style of M/s City Corner and this fact is not denied by the counsel for applicant during the course of arguments. The learned counsel for the respondent has also placed on record photo copies of some rent receipts alleged to have been issued by the petitioner Yogesh Kumar in favour of respondent Prem Kumar for the period pertaining to 01.12.2016 till 31.05.2020 to show that respondent Prem Kumar had paid rent to the petitioner during the said period.

5. Such order left the petitioner/revisionist aggrieved and he has approached this Court by way of filing the present civil revision petition.

6. I have heard learned counsel for the revisionist besides going through the record.

7. I find that the impugned order passed by the Court below is detailed and well reasoned, which does not suffer from any illegality or infirmity and no interference therewith is called for while exercising jurisdiction under Article 227 of the Constitution of India.

8. Thus, finding no merit in the civil revision petition, the same

stands dismissed.

01.11.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No