

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

CR-6209-2019 (O&M)

Date of decision: 02.12.2021

Anuradha Garg

...Petitioner

Versus

M/s Bhola Ram- Ram Tirath (Bhole Babe Di Hatti) and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.H.P.S.Rakhra, Advocate for the petitioner
 Mr. Rajinder Goyal, Advocate for respondent no.1
 Mr. Siddharth Gupta, Advocate for respondent no.2

ANIL KSHETARPAL, J (Oral)

The petitioner has filed an application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, to evict M/s Bhola Ram- Ram Tirath (Bhole Babe Di Hatti), a cloth merchant through its proprietor-Ram Tirath, son of Bhola Ram, from unit No.B-16/127 near Nathaan a Beej Store, Phul Bazar, Rampura Phul, Tehsil Phul, District Bathinda.

On an application filed by Sh. Mohan Lal, claiming to be the proprietor of M/s Bhola Ram-Ram Tirath, the Rent Controller has ordered his impleadment. Sh.Mohan Lal is son of Sh.Gopal Chand who claims to have no link with the firm M/s Bhole Baba Di Hatti. The correctness of the aforesaid order is assailed before this Court by filing the present revision petition under Article 227 of the Constitution of India. Learned counsel representing the petitioner contends that the petitioner cannot be forced to proceed against Sh.Mohan Lal also. He submits that there is no documentary evidence to prove that Mohan Lal

is the tenant in the tenanted premises.

On the other hand, learned counsel representing the respondent submits that the petitioner has filed the eviction petition without impleading proper parties as no doubt the tenant is M/s Bhola Ram- Ram Tirath (Bhole Babe Di Hatti), however, it is through Mohan Lal, its proprietor.

After having heard the learned counsel for the parties at sufficient length, this Court is of the considered view that at this stage, it would not be appropriate to express any opinion on the controversy involved.

Hence, it is considered appropriate to leave the question open while disposing of the revision petition, with the following directions:-

a) The dispute involved in the present revision petition is kept open. It shall be the responsibility of the parties to lead evidence and the court while finally adjudicating the eviction petition, shall be at liberty to decide the issue.

b) Since the eviction petition is pending for the last 4 years, therefore, the Rent Controller is directed to decide the eviction petition positively, within a period of six months, from today.

All the pending miscellaneous applications, if any, are also disposed of.

02.12.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE