

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

CR-6165-2022 (O&M)

Date of decision: 23.12.2022

Darshan Lal Gupta

...Petitioner

Versus

Trust Shivala Lala Ram Kishan Sood Society and others

...Respondents

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

Present: Mr. A.K. Goel, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Briefly stated facts of the case are that petitioner/landlord Trust Shivala Lala Ram Kishan Sood Society registered through its authorized signatory Sh. Jatinder Sood, had brought an ejectment petition under Section 13 of the East Punjab Rent Restriction Act, 1949 against respondent/tenant Ram Kumar Gupta and Sanjeev Gupta, seeking their ejectment from the premises situated at Main Bazaar, Moga.

Notice of that ejectment petition was given to the respondents, who put in appearance. During the course of proceedings, applicant Darshan Lal Gupta, father of respondent No.1 Ram Kumar Gupta appeared and filed an application under Order 1 Rule 10 CPC for being impleaded as respondent/tenant, contending that the premises in dispute were taken on rent by him in association with his son Ram

Kumar Gupta. As a matter of fact, the applicant is paying rent for the shop since inception of tenancy in January, 2005. The petitioner had been receiving rent from the applicant admitting him to be actual tenant of the shop in dispute despite that in the ejectment petition filed, the applicant has not been arrayed as a respondent, which has been so done by the petitioner deliberately. *Inter alia*, in the application, it is contended that even before beginning of tenancy, the applicant and his wife had paid Rs.1 lakh each, total Rs.2 lacs to the petitioner as refundable security qua the shop in dispute. The applicant prayed that his application be accepted.

The application was opposed by the petitioner tooth and nail, contending that the same is not maintainable; the applicant has no locus standi to file the application, since he has no concern with the shop in dispute; the application has been filed solely with a motive to delay the payment of rent which is due from the respondent for the last many years; the petitioner denied that the applicant is in possession of the shop as tenant or he had ever made payment of any rent or any amount to the petitioner. With regard to payment of Rs.2 lacs by the applicant and his wife, it is stated that the same was on account of donation to the petitioner trust. The petitioner prayed for dismissal of the application.

After hearing counsel for the parties, learned Rent Controller, Moga, vide impugned order dt. 15.02.2021 had dismissed the application, leaving the applicant aggrieved and he has knocked at

the door of this Court by way of filing the present revision petition.

I have heard learned counsel for the revision petitioner besides going through the record and I find that there is absolutely no merit in the revision petition.

As it transpires from the record, it was respondent No.1 Ram Kumar Gupta, who had executed rent agreement dt. 08.01.2005 in favour of the petitioner and he had been delivered possession of the shop in dispute as tenant. The applicant failed to prove on record any document to show that he is in possession of the shop in dispute as a tenant. Rent agreement dt. 08.01.2005 does not make any mention of the applicant, rather points out towards creation of tenancy in favour of Ram Kumar Gupta alone. The Rent Controller, Moga has rightly observed that mere paying the amount of rent on behalf of tenant does not confer the status of tenant on the payee.

The impugned order passed by the Rent Controller, Moga is quite detailed, well reasoned. It does not suffer from any illegality or infirmity. I do not find any element of arbitrariness or perversity in the order. I do not see any reason to interfere with the impugned order by exercising revisional jurisdiction. The revision petition is found to be without merit and is dismissed accordingly.

23.12.2022
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(H.S. MADAAN)
JUDGE

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