

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

CR-1274-2023 (O&M)

Date of decision: 27.02.2023

Rohit Joshi

...Petitioner

Versus

S. Kapur and others

...Respondents

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

Present: Mr. Shubham Goyal, Advocate for the petitioner.

H.S. MADAAN, J.

In a civil suit for grant of permanent injunction filed by plaintiff Rohit Joshi against defendants S. Kapur and Mohit Kapur, applicant Jasbir Kaur daughter of Ajit Singh, at present resident of Baba Budha Ji Nagar, Jalandhar had filed an application under Order 1 Rule 10 CPC, contending that the flat/village in question was taken on rent/lease by her in the year 2016 from Mohit Kapur, resident of Model Town, Jalandhar, who claimed himself to be attorney of his uncle S. Kapur, an NRI. Rent deed dated 07.03.2016 had been executed and applicant remained in possession of the villa in question bearing No.225 upto July 2021.

In July 2021, the applicant had to go back to USA and he contacted one of his acquaintance namely Rohit Joshi, who promised to take care of villa with great responsibility in the absence of applicant and

to return the keys to her when she returned from USA. Accordingly, the applicant had handed over keys of the villa to him, however, after some months, the applicant came to know that the villa has been rented out to some girls and rent was being received by Rohit Joshi himself. The applicant confronted Rohit Joshi plaintiff in the suit, on phone and he replied that since he had no time to look after the villa, he had put some girls close to his family in the villa so that maintenance and cleaning of villa could be done. He gave an assurance that when the applicant returned to India from USA, he would hand over keys to her and the girls would leave the villa. Thereafter, the applicant came to know that Rohit Joshi was collecting rent from the girls. She enquired from Rohit Joshi but she did not file any police complaint against him. When applicant came to India in July 2022, she came to know of some agreement with regard to renting of the villa in question had been procured by Rohit Joshi and he had filed a civil suit getting an injunction order in his favour, narrating wrong facts and presenting forged documents. Thereafter, the applicant reported the matter to the police and other authorities. She prayed for being impleaded as a party.

That application was resisted on behalf of the plaintiff but was allowed by the trial Court, vide detailed order. This order left the plaintiff aggrieved and he has filed the present revision petition.

I have heard learned counsel for the revisionist besides going through the record and I find that the impugned order is quite detailed and well reasoned. It does not suffer from any illegality or infirmity. The

plaintiff is claiming himself to be in possession of the property in question on the basis of rent note executed by defendants in his favour, whereas, the applicant claims that she had taken the property on lease from defendants, vide rent note dated 07.03.2016 and has been making the payments of rent to defendants regularly, therefore, though, it is a suit for grant of permanent injunction but it has to be seen as to whether the plaintiff is in actual physical possession of villa in question or that the possession rests with applicant Jasbir Kaur. Therefore, the trial Court has found the applicant to be necessary party who is required to be heard in order to effectively adjudicate the claim of parties to the suit.

The impugned order does not suffer from any perversity or arbitrariness, rather the discretion is shown to have been exercised by the trial Court in a judicious manner. No reason is there to upset the said order. The revision petition is found to be without merit and is dismissed accordingly.

27.02.2023

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(H.S. MADAAN)
JUDGE

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