

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.2051 of 2019 (O&M)

Date of Order:20.11.2023

Piyush Sethi

.Petitioner

Versus

Halwasiya Vidhya Vihar Sr. Sec. School, Bhiwani and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sudhanshu Makkar, Advocate
for the petitioner.

Mr. Kanhiya Soni, Advocate
for the respondents.

ANIL KSHETARPAL, J

1. The petitioner herein is a tenant. He assails the correctness of the order passed by the Rent Controller on 22.02.2019, while allowing the application filed by Smt. Veena Surekha. She has been impleaded as a proforma respondent in the petition filed under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973. The memorandum of parties of the rent petition reads as under:-

“1. Halwasia Vidhya Vihar Sr. Sec. School, Bhiwani, a registered society through Smt. Veena Surekha, Nominee trustee of Jal Kalyan Trust and Member Managing Committee.

2. Sh. Shiv Shankar Kasera, Manager, Managing Committee, Halwasia Vidhya Vihar Sr. Sec. School, Aggarsain Chowk, Bhiwani, Tehsil and District Bhiwani.

...Petitioners

Versus

1. Sh. Piyush Sethi, son of Sh. Parkash Chand Sethi,

resident of 91, Old Housing Board, Bhiwani, Tehsil and District Bhiwani, 2nd address Setho Book Shop, Halwasia Vidhya Vihar, Rohtak Gate, Bhiwani.

...Respondent.”

2. During the pendency of the rent petition, the High Court appointed an administrator to manage the affairs of Halwasia Vidhya Vihar Sr. Sec. School. Pursuant to the order passed by the High Court, the administrator filed an application for his substitution in place of Smt. Veena Surekha. The aforesaid application was allowed by the Rent Controller vide order dated 03.12.2016.

3. Smt. Veena Surekha filed a review application which was dismissed on 04.12.2018. Thereafter, she filed an application for impleading her as the proforma defendant/respondent. The aforesaid application has been allowed by the Court on the ground that she had filed a petition and she knows about the facts of the case.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

5. It may be noted here that on 27.03.2019, the operation of the impugned order was stayed and the Rent Controller was requested to proceed with the case in accordance with law.

6. This court has been informed that, in the meantime, both the parties have led their evidence and the case is now at the stage of the final arguments. It has been stated that Smt. Veena Surekha has not participated in the proceedings because of interim order passed by this Court.

7. The Rent Controller has found that she is not a necessary party, however, the court has ordered her impleadment as a proforma respondent.

8. On the one hand, the learned counsel representing the petitioner

contends that in a rent petition, the Rent Controller is required to decide on the grounds of eviction as asserted by the landlord. He submits that if the impugned order is upheld, it would result in entering into an area which does not fall within scope of adjudication in the rent petition.

9. On the other hand, the learned counsel representing the respondents submits that the petition was filed by Smt. Veena Surekha and therefore, she should be permitted to watch the interest of Jan Kalyan Trust.

10. On a perusal of the memorandum of parties which has already been extracted, it is evident that the Halwasia Vidhya Vihar Sr. Sec. School, Bhiwani, filed the petition through Smt. Veena Surekha. Now in her place, the Administrator has been substituted. He has already produced evidence and prosecuted the eviction petition. The Court can order the impleadment of a party only if it is found that such party is either necessary or a proper party. Smt. Veena Surekha as an individual has no right, title or interest in the property. Moreover, in the rent petition, the court is required to decide “whether the tenant is liable to be evicted on the grounds stated in the petition?”. Furthermore, the rent petition is now at the final stage.

11. Keeping in view the aforesaid facts and discussion, the impugned order dated 22.02.2019, is set aside. The revision petition is allowed. The Rent Controller is directed to decide the rent petition within a period of next two months, from today, positively.

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

November 20, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO