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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-. -

CR-3136-2019
DATE OF DECISION: 02.02.2023

Ashok Kumar

.....*Petitioner*

versus

Abdul Gafoor alias Gafoor Khan and others

.....*Respondents*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Sunny K. Singla, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India, praying for setting aside the impugned orders dated 29.01.2019 (Annexure P-6) and dated 04.01.2017 (Annexure P-4) passed by the Civil Judge (Junior Division), Malerkotla.

The facts of the case, in brief, are that one Rakesh Kumar, *pro forma* respondent No. 3 filed the rent petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 against the petitioner (Ashok Kumar) alleging himself to be the owner of the property in dispute. During pendency of the said petition, respondents No. 1 and 2 came to know about the said facts. They claimed to be the owner of the property and respondent No. 3 to be the tenant under them. Therefore, alleging that the petitioner and respondent No. 3 were colluding with each other in order to grab the property, respondents No. 1 and 2 filed an application for being impleaded

as party to the said proceedings. The said application was allowed vide impugned order dated 04.01.2017 (Annexure P-4). The present petitioner had even filed the application for recalling of the said order. However, even that application was rejected vide order dated 29.01.2019 (Annexure P-6). Hence, the present revision petition.

Counsel for the petitioner has submitted that the orders passed by the Court below are non-sustainable because the petitioner was not given the proper opportunity of being heard at the time of passing of the impugned order. It is further submitted that neither respondents No. 1 and 2 are the proper party nor are they necessary party to decide the case, as such.

Having heard counsel for the petitioner and having perused the case file, this Court does not find any substance in the arguments raised by counsel for the petitioner. The order passed by the Court below shows that the presence of counsel for the respondent, who is the petitioner herein, has been duly marked. Since counsel for the petitioner was very much present in the Court and he even argued the issue against impleading of respondents No. 1 and 2 as party, therefore, it cannot be said that the petitioner was not granted proper opportunity of hearing. Otherwise also, the present petitioner is the only respondent in the application, therefore, he cannot have any objection as to who else was to be impleaded as respondent along with him. Any possible objection could have been raised by the respondent-petitioner, if at all there was to be one. However, he has not even challenged the said orders.

Moreover, this Court agrees with the conclusion arrived at by the Court below that respondent No. 1 and 2 are the proper party for

arriving at the appropriate conclusion in the *lis* between the parties.

Consequently, finding no merit, the present petition is dismissed.

(Rajbir Sehrawat)
Judge

02.02.2023
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Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No