

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

CR-4502-2023

Date of Decision: August 16, 2023

SURINDER KUMAR

..... Petitioner

Versus

RAJ KUMAR AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Yagsimant Attri, Advocate for petitioner.

HARKESH MANUJA, J. (ORAL)

1. By way of present revision petition, challenge has been laid to an order dated 14.07.2023 passed by learned Rent Controller; whereby an application invoking Order 1 Rule 10 CPC moved at the instance of respondents-landlords has been allowed.

2. Briefly stating, an eviction petition was filed against petitioner qua the tenanted premises comprising of ground floor of Shop bearing No.18 situated in Miglani Market, Opposite Koel Complex, Kaithal. In response, the stand taken by petitioner was that the shop in question was taken on rent by his wife and not by him.

3. In response to the aforesaid objection, an application came to be filed under Order 1 Rule 10 CPC seeking impleadment of Smt. Raj Bala i.e. wife of the petitioner. The said application was opposed at the instance of petitioner, however, learned Rent Controller vide order dated 17.07.2023 allowed the prayer made by respondents-Landlords.

4. Impugning the aforesaid order passed by learned Rent Controller, learned counsel for petitioner vehemently submits that once

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the respondents-landlords even did not admit Smt. Raj Bala to be their tenant, her impleadment could not have been ordered in the eviction petition. No other argument has been raised.

5. I have heard learned counsel for the petitioner and gone through the paper-book. I am unable to find substance in the submissions made by learned counsel for the petitioner.

6. Once a specific objection has been raised at the instance of petitioner in his written statement mentioning that the tenanted premises rented out to Smt. Raj Bala, her impleadment was rightly allowed by learned Rent Controller so as to avoid any kind of technical objection in disposal of the eviction petition filed at the instance of respondents-landlords on its merits and also to avoid unnecessary delay in disposal of eviction petition. Moreover, the adjudication on the issue as to whether the petitioner or his wife has been the tenant over the property in question shall be effectively adjudicated upon by the learned Rent Controller in case Smt. Raj Bala i.e. respondent No.5 herein is a party to the proceedings.

7. In view of the discussions made hereinabove, finding no merit in the present revision petition, the same is dismissed.

16.08.2023
tejwinder

(**HARKESH MANUJA**)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

