

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

CR-5158-2022 (O & M)
Date of decision: 08.08.2023

DEEPAK AGGARWAL AND ANR.

...Petitioner

V/s

RAKESH GARG

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sudhir Aggarwal, Advocate
 for the petitioners.

 Mr. Abhilaksh Grover, Advocate
 for respondent.

HARKESH MANUJA J. (ORAL)

By way of present revision petition filed under Article 227 of the Constitution of India challenge has been made to an order dated 19.09.2022 passed by the Rent Controller-cum-Civil Judge (Jr. Division), Gurugram, whereby an application under Order 1 Rule 10(2) read with Section 151 CPC filed on behalf of respondent No.7 stands allowed.

2. Briefly stating, an Eviction Petition came to be filed at the instance of petitioners against respondent No.1 to 6 regarding the demise premises being ground floor portion of a residential house having No.424/3 (old) & 788/6 (new) situated in Roshanpura, Gurgaon. The above-mentioned Eviction Petition was filed in the year 2015, whereby, an application came to be filed at the instance of respondent No.7 seeking his impleadment being son of the deceased-tenant namely Sh. Kundan Lal Garg and one of his legal heirs.

3. The afore-stated application came to be allowed by the Rent

CR-5158-2022 (O & M)

Controller on 30.09.2022 and the said order has been assailed in the present revision petition.

4. At the time of hearing, learned counsel for the parties are *ad idem* that respondent No.7 shall remain as party to the Eviction Petition, however, he shall not lead any evidence in support of his stand taken in the written statement.

5. In view of the common stand taken by the parties, present revision petition is disposed of while upholding the order dated 30.09.2022 passed by the Rent Controller-cum-Civil Judge (Jr. Division), Gurugram, however, subject to the order that respondent No.7 will not lead any evidence on his behalf during the eviction proceedings.

6. Present petition stands disposed of in the aforesaid terms.

08.08.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No