
(1989) 11 P&H CK 0057
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1034 of 1988

Girdhari Lal

APPELLANT

Vs

Leela Krishan and Another

RESPONDENT

Date of Decision : 06-11-1989

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 115
Haryana Urban (Control of Rent and Eviction) Act, 1973 — Section 3

Citation : (1990) CivCC 110 : (1990) 98 PLR 423 : (1990) 1 RCR(Rent) 71

Hon'ble Judges : S.S. Sodhi, J

Bench : Single Bench

Advocate : Ashok Aggarwal and Arun Sanghi, for the Appellant; D.R. Satija, for the Respondent

Judgement

S.S. Sodhi, J.—The challenge in revision here is to the refusal of the rent controller to permit the petitioner Girdhari Lal to be impleaded as a party to the ejectment petitions filed by Leela Krishan against the tenant-Lachhman Dass Amir Chand.

2. Lachhman Dass and Amir Chand were originally tenants under Mangal Sain. It is after the death of the said Mangal Sain that a contest has now arisen with regard to succession to him between Leela Krishan who has filed petitions for ejectment against Lachhman Dass and Amir Chand and Girdhari Lal who seeks to be impleaded as party to these proceedings on the plea that he is in fact the successor-in-interest of the said Mangal Sain.

3. Leela Krishan seeks the ejectment of Lachhman Dass and Amir Chand on the ground of non-payment of arrears of rent. It is the plea of both these tenants that they have paid the rent to Girdhari Lal. Girdhari Lal claims to be the adopted son of Mangal Sain and thus entitled to succeed to his property. A registered will of September 16, 1979 has been set up by him in this behalf. Further, Girdhari Lal has brought on record photo copies of several receipts issued by him in favour of the tenants which pertain to the period during the life time of Mangal

Sain.

4. Leela Krishan who is a collateral of Mangal Sain claims succession on the basis of an unregistered will of April 10, 1984. By this Will, Mangal Sain purported to revoke his earlier Will of 1979. It is pertinent to note that the Will in favour of Girdhari Lal, as mentioned earlier, is of September 16, 1979, and not of 1974. What is more, Girdhari Lal is also in possession of the other part of the premises where Lachhman Dass and Amir Chand are tenants.

5. Such being the circumstances here, interests of justice do indeed render it incumbent to permit impleading of Girdhari Lal as a party, in order to enable the rent controller to completely and effectively adjudicate upon the matter in controversy. The application of Girdhari Lal, to be impleaded as a party, must consequently be allowed and this revision petition is accordingly hereby accepted with costs Counsel fee Rs. 300/- (one set only).