

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

Civil Revision No.1943 of 2014

Date of decision: 17.03.2015

S. Gursharan Singh

... Petitioner

versus

Axis Bank Limited, Trishul, and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Parveen K. Kataria, Advocate,
for the petitioner.

None for respondent No.1.

Mr. Anil Chawla, Advocate,
for respondent No.2.

K.Kannan, J. (*Oral*)

1. The petition for impleadment was brought at the instance of a person claiming to a co-owner of the property who has let out the property. The petition was filed by yet another co-owner on the plea that one co-owner can maintain the action and yet another co-owner cannot seek for impleadment.

2. The petition for impleadment was ordered and the petitioner, who has filed the petition for ejectment is before this court, contending that it is a settled position of law that a co-owner can maintain an action for ejectment and another co-owner cannot bring an impleadment petition. If his own status as a landlord

cannot be established, the case may perhaps fail, but it cannot admit of yet another co-owner to seek for impleadment. The counsel refers me to the judgment of this court in **Jagjit Singh Versus Ajit Lal and another in CR No.2225 of 2005, decided on 14.08.2013.**

3. The proposition of law advanced by the counsel is too wide to be accepted. The co-owner can maintain an action for ejectment without impleading the other co-owners only in two situations: (i) where one of the co-owners who files the petition has been recognized as an exclusive landlord of the tenant, in which case, the maintainability of the petition is rested on his status as landlord vis-a-vis the tenant; (ii) the second situation could be when the co-owner maintains the action for ejectment with the concurrence of other co-owners and such proof of concurrence is available. If the tenancy is attributed to a transaction by more than a single co-owner, the petition for ejectment cannot lie merely at the hands of only one person without considering the two situations, referred to above. In every other situation, if such a co-owner who has already been a landlord seeks for impleadment and the court allows for such an impleadment, there can be no ground for a complaint. The order passed is maintained and the revision petition is dismissed.

(K.KANNAN)
JUDGE

17.03.2015
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