

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

CR NO.7107 OF 2014 (O&M)
DATE OF DECISION : 4th FEBRUARY, 2015

Vineet Batra

.... Petitioner

Versus

State Bank of Bikaner and Jaipur, Sector-17, Chandigarh & others

.... Respondents

CR NO.7572 OF 2014 (O&M)

Vineet Batra

.... Petitioner

Versus

State Bank of Bikaner and Jaipur, Sector-17, Chandigarh & others

....Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

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Present : Mr. Sumeet Goel, Advocate for the petitioner(s).

Mr. H. C. Gupta, Advocate for respondent no.1.

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SURINDER GUPTA, J. (ORAL)

CM-2571-CII-2015 in CR NO.7107 OF 2014

The application is allowed and correct copy of Annexure P-6 is taken on record, subject to all just exceptions.

Main Cases

1. Both the above captioned revision petitions have been taken up together for disposal as the similar controversy is involved therein.
2. The revision petitioner filed petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, (in short the Act) seeking ejectment of respondent no.1 from the premises SCO No.106-107,

Sector-17B, Chandigarh on the ground of his personal bonafide necessity. Respondent no.1 is contesting that petition and the matter is pending before the learned Rent Controller, Chandigarh.

3. During pendency of the petition, application was moved by respondents no.2 to 8 to implead them as petitioners, being co-sharer in the suit property. The application was allowed by the learned Rent Controller vide order dated 07.08.2014, which reads as follow:

“This order of mine shall dispose an application moved by applicants under Order 1 Rule 10 CPC of impleading themselves as petitioners. Reply of same was filed. In reply it was not denied that applicants are co-owners of the demised premises for the possession of which the present petition is filed. As the applicants being co sharers are also entitled to participate in the case hence I found no ground to disallow the application of the applicants. The only plea taken by the petitioner is that applicants are co sharers and they are representing the applicants in present petition on behalf of other co sharers. This plea of the petitioner is not a ground to disallow the applicants, who are admittedly co-sharers of the demised premises and a (sic. are) equally entitled along with the petitioners to pursue the present petition hence the application is

allowed. Now to come upon 1.9.2014 for filing amended title.”

4. I have heard learned counsel for the parties and perused the paper book.

5. Learned counsel for the revision petitioner submits that the petitioner, in his capacity as landlord and also co-owner of the suit property, has filed the petition seeking ejectment of respondent-Bank from demised premises for his personal bonafinde necessity.

6. Respondent nos.2 to 8 who are the co-owners and have inter-se dispute filed application to implead them as petitioners. An ejectment application could be filed by the landlord on the specific grounds permitted under Section 13 of the Act, which the other co-sharer may not have, as such, there was no purpose of allowing the respondents no.2 to 8 to join as petitioner. At the most they could be joined as proforma respondents.

7. The learned counsel for the respondents submits that the 25% share of property in dispute is owned by Mahesh Batra and respondents are having 75% share, as such, Rent Controller has rightly impleaded them as petitioner.

8. The issue before the Rent Controller while deciding the petition is as to whether the petitioner is landlord and secondly whether the ejectment could be ordered on the basis of the grounds pleaded by him. One of the co-sharer may have ground to seek ejectment of the tenant. The other co-sharers cannot be allowed to join as petitioner simply

to counter the plea put-forth by one of the co-sharer in his capacity as petitioner.

9. The learned Rent Controller has allowed respondents no.2 to 8 to be impleaded as petitioners only because they are the co-sharers. No purpose will be served by impleading these respondents as petitioners before the Rent Controller, because they have not come up with any ground to seek the ejectment of the respondent no.1 from the demised premises. Their right could be protected by impleading them as proforma respondents. The order of the Rent Controller is perverse, illegal and not sustainable. The same is modified to the extent that the respondent no.2 to 8 instead of being impleaded as petitioners, will be impleaded as proforma respondents. The revision petition stands disposed of accordingly.

10. Photocopy of this order be placed on the record of other connected matter.

4th February, 2015
'raj'

(SURINDER GUPTA)
JUDGE