

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

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Civil Revision No.2657 of 2016 (O&M)

Date of Decision: April 22, 2016

Avtar Singh

...Petitioner

Versus

Amarjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Manvender Dalal, Advocate
for the applicant-petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision petition is to the order dated 30.09.2015 passed by the Rent Controller, Ludhiana, whereby an application moved under Order I Rule 10 read with Section 151 CPC for impleading Devinder Singh (respondent No.2 herein) as a co-petitioner i.e. petitioner No.2, has been allowed.

2. It is the contention of learned counsel for the petitioner that the learned Rent Controller has not appreciated that question of title cannot be decided in a rent petition. What is being claimed by respondent No.2 primarily is a right to be impleaded as a party being a co-sharer of the property. He contends that the title cannot be decided by the Rent Controller and, therefore, by virtue of the present application being allowed, the eviction suit would be converted into a title suit which is not permissible in law. In support thereof, he places reliance upon the judgments of this Court in *Paramjit Singh Versus Gurcharan Singh Saini and others 2015(1) R.C.R.(Rent) 50*, *Jagjit Singh Versus Ajit Lal and Anr. 2014(1) R.C.R.(Rent) 443* and *Kiran Kumar Bansal Versus Kusum Bansal, 2001(2) R.C.R.(Rent) 263*.

3. I have considered the submissions made by learned counsel for the petitioner and have also gone through the impugned order dated 30.09.2015 passed by the Rent Controller.

4. It is not in dispute that Devinder Singh applicant-respondent No.2 has been entered as a co-sharer. After the death of Karnail Singh, predecessor-in-interest of the petitioner and respondent No.2, mutation was sanctioned as per the natural succession. Appeal against which was preferred by the petitioner which was dismissed as also the revision. A suit titled as *Avtar Singh Versus Devinder Singh* which had been filed by the petitioner is pending consideration, where he is seeking declaration. It is apparent that the interest of Avtar Singh and Devinder Singh is common. The Rent Controller, in the order, has specifically stated that the title suit is separately being filed and, therefore, to avoid multiplicity of litigation, the application is being allowed. The order, as has been passed by the Rent Controller, thus, cannot be faulted with.

5. The judgments on which reliance has been placed by the counsel for the petitioner, referred to above, were cases where separate suit for title had not been preferred by the parties, whereas in the present case, admittedly there is a suit preferred by the petitioner himself against respondent No.2-Devinder Singh seeking a declaration to the effect that he is the owner of the property. The judgments, thus, relied upon by the counsel for the petitioner, would not be applicable to the facts and circumstances of the present case.

6. In view of the above, the present revision petition stands

dismissed being devoid of merits.

7. In the light of the dismissal of the petition, the application for stay i.e. CM No.7680-CII of 2016 stands disposed of.

April 22, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE