

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.4752 of 2016

Date of Decision.28.07.2016

Vidya Rattan

.....Petitioner

Vs.

Sudesh Kumar and another

.....Respondents

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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AMIT RAWAL J. (ORAL)

The petitioner-applicant is aggrieved of the impugned order whereby the application under Order 1 Rule 10 CPC moved by the petitioner-applicant in an ejectment petition filed at the instance of respondent No.1 against the tenant, has been dismissed.

Mr. Sandeep Verma, learned counsel for the petitioner submits that the petitioner is the co-owner of the property in view of the writing dated 23.08.1988 vide which the writing dated 28.12.1980 allegedly relied upon by the landlord was superseded. There is apparent collusion between the landlord and the tenant and in case, the petitioner-applicant is not ordered to be impleaded, valuable right of the petitioner would be taken away and thus, urges this Court for setting aside of the impugned order.

He also relies upon a judgment of this Court in **Prit Pal Kaur Vs. Bharti Cellular and others 2011(1) RLR 214** to contend that in such circumstances, an application of similar nature had been allowed.

I have heard learned counsel for the petitioner and appraised the paper book. It is settled law that in a rent petition, title is not involved. The tenant has admitted the relationship of landlord and tenant. Landlord may not be the owner. If at all, the petitioner is setting up a title, he is at liberty to seek the declaration and consequential relief by independent suit and not in the mode and manner, as has been chosen. The *ratio decidendi* culled out in the aforementioned judgment is based upon the facts where the co-ownership was admitted. However in the present case, the petitioner is yet to establish his co-ownership. The writing dated 23.08.1988 does not confer ownership in the absence of registration.

For the foregoing reasons, I do not find any illegality and perversity in the order passed by the Court below, much less, no ground for interference is made. The revision petition is dismissed. Needless to say that any observation made in this order shall not come in the way while disposing of the rent petition on merits.

(AMIT RAWAL)
JUDGE

July 28, 2016
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No