

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

**Civil Revision No.5559 of 2016 (O&M)
Date of Decision:September 26, 2016.**

Kalinda Munde

.....PETITIONER(s).

VERSUS

Smt. Bimla Devi

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Raj Kumar Bhatia, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Smt. Bimla Devi filed ejectment petition against Pralhad Munde, husband of petitioner seeking his ejectment from the demised premises i.e. flat No.6504 situated at 5th floor, GH 4-A, Jalvayu Vihar Society, Sector-20, Panchkula. There is minor dispute between her and her husband, who has connived with the respondent and tried to get the demised premises vacated. She alleged that the petitioner is paying the society charges and other miscellaneous charges being the owner of the demised premises. Gian Singh was the original allottee with whom she entered into agreement to purchase the property in dispute through husband of respondent Bimla Devi but he got the same transferred in the name of Bhagwati Devi, who further sold it to Bimla Devi respondent.

2. Learned Rent Controller declined the application of the petitioner with the observations as follows:-

“It is submitted for the applicant that the petitioner and the respondent are hand in glove to dispossess the applicant by means of filing this rent petition. Reply was filed and the application was opposed by the petitioner. It is submitted that the applicant has no concern with the property. There is no averments by the applicant that the rent agreement was executed between herself and the petitioner. She is the wife of the respondent with whom the rent agreement is alleged by the petitioner to have been signed. The present proceeding are undertaken under the Rent Act. To this court, there does not appear to be any locus standi with the applicant to contest this petition.”

3. Learned counsel for the petitioner has argued that by becoming party, petitioner wants to prove that a fraud has been played with her by the husband of respondent Bimla. She also wants to prove her title over his property and that her husband is colluding with landlord-respondent Bimla Devi.

4. The above contention of learned counsel for the petitioner make out no reason to allow the petitioner to be impleaded as party for the reason that she wants to prove a fact against the husband of respondent Bimla Devi namely Janak Raj Jindal, who is not party to this petition. Admittedly, she is not having any title deed of the demised premises and her husband is hotly contesting the ejectment petition. The submission made by learned counsel for the petitioner depicts that the petitioner is claiming some civil rights in her favour against Janak Raj and respondent with regard to the demised premises for which she can pursue legal remedy available to her.

She is not a necessary party in this ejectment petition, as such, the Rent

Controller has rightly rejected her application. The order of learned Rent Controller call for no interference in this revision petition, which has no merits.

Dismissed.

September 26, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***