

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

CIVIL REVISION NO.8371 OF 2016

DATE OF DECISION: DECEMBER 12, 2016

Sonia Bidlana

.....Petitioner

VERSUS

Tapan Giri

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mohit Malik, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this petition is to the order dated 08.09.2016 whereby the Rent Controller, Chandigarh, has dismissed the application preferred by the petitioner under Order 1 Rule 10 C.P.C. for impleading the Estate Officer, Union Territory, Chandigarh and Rinku son of Madan Lal, the original allottee of the premises, as a party. Another application of the petitioner preferred under Order 7 Rule 11 C.P.C. for rejection of plaint on the basis of the fact that the respondent is neither the owner nor has he got any authority to rent out the premises, stands dismissed.

It is the contention of learned counsel for the petitioner that the petitioner had made a counter claim with regard to reconstruction of the premises, which was demolished by the respondent and the petitioner had got it reconstructed after police intervention. This claim can only be granted to the petitioner by the Estate Office. That apart, he asserts that petition

itself deserves to be dismissed on the ground that the respondent is neither the owner nor has any authority to rent the premises because of reconstruction of the premises by the petitioner.

These contentions of counsel for the petitioner cannot be accepted. In reply to the petition filed by the respondent under Section 13 of the East Punjab Urban Rent Restriction Act, as applicable to Union Territory of Chandigarh, the petitioner has admitted that she is a tenant of the respondent. If that be so, the ownership as such cannot be challenged by her. Apart from that, as far as the counter claim of the petitioner is concerned, the same shall be decided on the basis of the evidence, which would be led. The order, as has been passed by the Rent Controller, being in accordance with law, especially with regard to the factum that the petitioner does not have the authority to challenge her title once she has admitted that the respondent is the landlord of the premises, no interference by this Court, in exercise of its revisional jurisdiction, is made out.

The petition, therefore, stands dismissed.

December 12, 2016
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No