

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

Date of Decision:-17.07.2017

CR No.4534 of 2017

Subash Chander.

.....Petitioner.

Versus

Smt. Daljit Kaur.

.....Respondent.

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CR No.4549 of 2017

Laxmi Devi (since deceased) through Lrs & Ors.

.....Petitioners.

Versus

Smt. Daljit Kaur.

.....Respondent.

AND

CR No.4551 of 2017

Laxmi Devi (since deceased) through Lrs & Ors.

.....Petitioners.

Versus

Smt. Jatinder Kaur.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Manoj Kumar Taya, Advocate for the Petitioner(s).

JASWANT SINGH, J. (ORAL)

By this common order I shall dispose of all the aforesaid three
revision petitions as common questions of law and facts are involved
therein.

Respondents(landladies) namely Daljit Kaur and Jatinder Kaur have filed separate ejectment applications seeking eviction of the petitioners (tenants) from the demised premises on the ground of non payment of rent and house tax, wherein petitioners (tenants) have filed separate applications under Order 7 Rule 11 CPC for rejection of the three different ejectment applications, filed by the respondents(landladies), namely, Daljit Kaur and Jatinder Kaur have been dismissed vide separate orders of same date i.e. 20.05.2017 and they have been impugned herein in the above three revision petitions.

Learned Counsel for the petitioners (tenants) has argued that the learned Rent Controller has wrongly dismissed the applications under Order 7 Rule 11 CPC although, it is apparent from the record that landladies are not the exclusive owners of the property in question, as they are claiming their rights of ownership on the basis of registered Will No.361/3 dated 21.09.2004 executed by Rajwant Singh in their favour and in favour of some other persons. Thus, it has been argued that ejectment application filed by the respondent (landladies) are not maintainable and consequently, the same are liable to be rejected.

After hearing learned Counsel for the petitioner(s) and perusing the paper book, this Court is of the considered view that the present petitions are devoid of any merit and deserves to be dismissed.

It is not in dispute that the petitioners (tenants) have admitted the respondent to be their landladies which is evident from the zimni order passed by the learned Rent Controller on 12.4.2017. Apart from this it is also apparent that the petitioners(tenants) have admitted the respondents (landladies) to be co-owners of the property in question. It is settled

position of law that a co-owner can maintain an ejectment application, and there is no such statutory requirement that all the co-owners should file the ejectment application. Apart from this, a perusal of the application filed under Order 7 Rule 11 CPC would reveal that the same lacks material particulars and do not mention as to who are the other co-owners of the property. Moreover, the applications under Order 7 Rule 11 CPC are poorly drafted and lead to only one conclusion that the purpose of the petitioners (tenants) was to delay the ejectment petitions.

In view of the above, finding no merit in the above revision petitions, the same are hereby dismissed.

(JASWANT SINGH)
JUDGE

July 17, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>