

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

CR No.5247 of 2017(O&M)

Date of Decision:-29.08.2017

Sona Devi.

.....Petitioner.

Versus

Maharishi Balmiki Ashram Society & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. S.S. Dinarpur, Advocate for the Petitioner.

JASWANT SINGH, J (ORAL)

Petitioner (tenant) is in revision against the order dated 31.07.2017 (P-4) passed by Rent Controller, Kurukshetra, whereby her application under Order 1 Rule 10 CPC was dismissed.

Petitioner having purchased a share in the demised premises vide registered sale deed dated 24.6.2013 had become a co-sharer. She thus moved an application Under Order 1 Rule 10 CPC for being impleaded as a party in the eviction petition filed by the Maharishi Balmiki Ashram Society-respondent no.1 seeking eviction of the tenant Mahesh Kumar-respondent no.2 from the demised premises comprising Shop No.7, Maharishi Balmiki Ashram Market, Pehowa Road, Kurukshetra. Her application has been declined vide impugned order dated 31.7.2017 passed by the Rent Controller, Kurukshetra. Hence the present revision petition.

After hearing learned Counsel for the petitioner, no ground for

interference is made out. Learned Rent Controller has rightly held that for the purpose of adjudication of the eviction petition, the applicant was not a necessary party. It is not in dispute that the tenant was inducted in the demised premises much prior to the acquisition of the right of co-owner by the applicant/petitioner. In the pending eviction petition, for the society to succeed they will have to prove the relationship of landlord and tenant and the grounds of eviction. It is settled law that in eviction petition, the dispute regarding title cannot be raised. The applicant has an own independent remedy to be sought, if so advised in accordance with law.

In view of the above, finding no merit in the present petition the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

August 29, 2017
Vinay

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