

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

Civil Revision No.1469 of 2018 (O&M)

Date of Decision: March 6, 2018

Roopa

...Petitioner

Versus

Rakesh Kumar Duggal and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr. Siddharth Gupta, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

This petition has been filed impugning the order order 18.11.2017 of the Rent Controller, Chandigarh whereby the application under Order 1 Rule 10 CPC for impleading the petitioner has been dismissed.

Briefly, the facts are that one K.N.Malhotra was the owner of House No.3293, Sector 15D, Chandigarh. He expired on 2.2.1992 leaving behind his widow, Bimla Malhotra and the petitioner Roopa, his daughter who thereafter, became the owners of the said property. Bimla Malhotra died on 28.10.2005 whereafter, the petitioner was the sole owner of the property. The said property is in the possession of respondent Nos.2 and 3 who were inducted as tenants by the late Shri K.N.Malhotra. After his death, they had been paying rent to Bimla Malhotra and after her death to the petitioner. Respondent No.1 filed a suit for specific performance against the petitioner with regard to the demised premises on the basis of an alleged agreement to sell dated 12.7.2004. The suit was decreed vide judgment and decree dated 6.1.2013 of the Court of Additional Civil Judge (Sr. Divn.)

Chandigarh. A sale deed has also been registered on 28.10.2015 in favour of respondent No.1, Rakesh Kumar Duggal. The petitioner filed an appeal there against after a delay of 605 days. The application for condonation of delay was allowed by the learned Additional District Judge, Chandigarh. Respondent No.1 preferred a revision petition being Civil Revision No.489 of 2017 titled as Rakesh Duggal Vs. Roopa Malhotra which is pending for 5.4.2018.

After the decision of civil suit in his favor, respondent No.1 filed an eviction petition seeking eviction of respondents No.2 and 3 from the property in question. The petitioner filed an application under order 1 Rule 10 CPC for impleading her as a party in the said eviction petition which application has been dismissed by the impugned order.

The learned Rent Controller noted that after the judgment and decree dated 6.1.2013 in favour of respondent No.1 and the sale deed having been registered in his favour on 28.10.2015, the petitioner could not be considered the owner or landlord of the demised premises. Hence, she had no locus to be impleaded as a party in the eviction petition.

No fault can be found with the order of the learned Rent Controller, Chandigarh. The mere fact that the appeal of the petitioner against the judgment and decree dated 6.1.2013 is pending would not justify for her being impleaded as a party in the eviction petition.

Thus there is no merit in the present revision petition and the same is dismissed.

March 06, 2018

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No