

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

**Civil Revision No.199 of 2018 (O&M)
Date of Decision:February 08, 2018.**

Ashok Kumar and another

.....PETITIONER(s).

VERSUS

Yudhvir Walia and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Abhinav Gupta, Advocate with
Mr. Vinay Pandey, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

This is revision petition against the order dated 18.11.2017 passed by Rent Controller, Bathinda, whereby application filed by revision petitioners, seeking stay of proceedings in the ejectment petition filed by Yudhvir Walia and others, was dismissed.

The revision petitioners vide application Annexure P-3 had sought stay of proceedings in the ejectment petition filed by Yudhvir Walia and others with the plea that some civil suits are pending between the co-owners, as such, till the decision of above civil suits, the proceedings in the ejectment petition be stayed. The reason stated for seeking such a relief, is that repeated applications have been filed seeking arrears of rent by Yudhvir Walia, Ravdeep Walia, Ramandeep Walia and also by one Nirmal Singh,

close relative of Yudhvir Walia.

Learned counsel for revision petitioners submits that civil suit No.963 of 2014 and 26 of 2015 between the co-owners have since been withdrawn under a settlement. However, one civil suit filed by Rama Walia against Yudhvir Singh is still pending. So far as the ejectment petition filed by Nirmal Singh is concerned, he claimed himself to be mortgagee of the demised premises and allege that same was let out to Yudhvir Walia and father of respondents No.2 and 3, who further sublet the same to respondents No.4 and 5. In case proceedings in ejectment petition are not stayed, it will lead to multiplicity of litigation, conflicting orders and harassment of petitioners.

In their application seeking ejectment of revision petitioners, respondents have raised the plea that they are the landlord of the demised premises, which was let out to the revision petitioners. The inter-se dispute between the respondents has since been amicably settled as stated by learned counsel for the revision petitioners. Rama Walia has not filed any ejectment petition against the revision petitioners. Even otherwise, the Rent Controller has not to look into the title of the parties and confine his finding to the aspect that whether there exists relationship of landlord and tenant between the parties. The pendency of suit filed by Rama Walia, claiming title over the demised premises, as such, has no bearing on the ejectment petition filed before the Rent Controller.

So far as the ejectment petition filed by Nirmal Singh is concerned, revision petitioners have specific remedy in this regard. They have not sought staying of proceedings in that ejectment petition. He is

claiming to be landlord of Yudhvira Walia and others and not of the petitioner, which again is a fact which is to be decided on the basis of evidence on record.

Learned counsel for the revision petitioner has relied on the observation of Hon'ble Apex Court in case of ***Baldev Singh Vs. Punjab National Bank and ors. 1998(8) SCC 466***. In that case, one of the co-owner had moved an application to implead him as party in the ejectment petition filed by other co-owner and keeping in view the above fact, it was ordered that tenant will deposit rent in the Court and till the decision of the civil Court, rent proceedings were stayed.

The facts of the above case are altogether different from the facts of the present case. There is no application of any co-owner filed in this petition under Order 1 Rule 10 CPC, as such, observations in that case are not helpful to advance the plea put forth by learned counsel for the revision petitioners.

Keeping in view my above discussion, I find no merits in this revision petition and the same is dismissed.

February 08, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

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

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