

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

CR No.4124 of 2017 (O&M)

Date of Decision: February 09, 2018

Kulwinder Singh

...Petitioner

Versus

Sudha Seth and another

...Respondents

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

Present: Mr.Kamaldeep Singh Sodhi, Advocate for
the petitioner.

HARINDER SINGH SIDHU, J.

This revision has been filed against the order dated 20.4.2017 of the learned Rent Controller, Phagwara, whereby application under Order 1 Rule 10 CPC filed by the petitioner seeking his impleadment in the eviction petition has been dismissed.

Respondent No.1 had filed an eviction petition against respondent No.2. The petitioner filed an application under Order 1 Rule 10 CPC seeking his impleadment in the said petition. It was his case that he had entered into an agreement to sell dated 12.2.2010 with Kapil Sareen, Kiran Jalota, Sunita Bhalla and Sudha Seth (petitioner in the rent petition) and thereafter, 2 Kanals 1 Marla of land had been sold to him vide registered sale deed dated 22.4.2013. As such, he had become co-owner to the extent of the share purchased by him in the demised property, regarding which the eviction petition has been filed by Sudha Seth – respondent No.1. Sudha Seth denied the execution of the agreement to sell and also denied that any

share had been sold to Kulwinder Singh – petitioner herein.

The learned Rent Controller referred to an earlier order dated 2.3.2017 passed in the same petition at the time of assessing the provisional rate of rent, wherein, it had been concluded that from the sale-deed dated 22.4.2013, the applicant-petitioner had not been able to prove his ownership of the demised premises. The Ld. Rent Controller held that it could also not be concluded merely on the basis of the agreement to sell dated 6.2.2010 that he had become a co-owner of the demised premises. As he was not proved to be a landlord and was, thus, a third party, his application for impleadment in the eviction petition was dismissed.

There appears to be no infirmity in the aforesaid reasoning.

Even otherwise, it is well settled that in an ejectment application, if a third party claims to be the owner of the property, it could not be made a party to proceedings as it will convert the proceedings into one for determination of title to the property in dispute, which is beyond the jurisdiction of the Rent Controller [*Smt. Balbir Kaur and others v. M/s Novex Dry Cleaners and another*, 1982 (2) RCR (Rent) 6, *Paramjit Singh v. Gurcharan Singh Saini*, 2015(1) R.C.R.(Civil)].

In view of above, no interference is called for in the impugned order.

Dismissed.

February 09, 2018

gian

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No