

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

C.R No. 4980 of 2017 (O&M)

Date of decision : September 24, 2018

Bablesh and others

..... Petitioners

v.

Surinder Pal Kaur and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajeev Gupta, Advocate
for the petitioners.

Mr. Varun Sharma, Advocate
for the respondents.

Ajay Tewari, J (Oral)

This petition has been filed by the petitioners against the order of the Rent Controller allowing an application filed by Tanveer Singh to be impleaded as a co-petitioner.

Admitted facts are that respondents No.1 and 2 were owners-landlords of the premises in dispute. Admittedly they are the wives of two brothers. A petition for eviction was filed on the ground that respondent No.2 required the premises in dispute for her use and for the use of her son Tanveer Singh. During the pendency of the case, respondent No.1 sold her share to the aforementioned Tanveer Singh and that is how Tanveer Singh has moved the instant application, and the same having been allowed the tenants are before this Court.

Counsel for the petitioners has relied upon Subhash Chander and others v. Lala Baij Nath Aggarwal and others, 1993(2) RCR (Rent) 471,

Lachhman Dass v. Sham Lal and others, 1996(2) RCR (Rent) 231 and Jaswinder Singh & another v. Lakhbir Singh Walia & another 2000(1) Rent LR 325 to contend that if Tanveer Singh was claiming to have become an owner after filing of the rent petition, it was open for him to have filed a fresh petition but he could not be impleaded as a co-petitioner.

Counsel for the respondents has also placed reliance on the decision of this Court in Davinder Pal v. Ritu Madan, CR No.5177 of 2013, decided on 20.9.2013.

In my opinion, this revision must fail. The judgments cited by counsel for the petitioners are cases where during the pendency of rent petition a third party had sought to be impleaded as a landlord and where the landlord had denied the title of such third party. It was in those cases that this Court had held that eviction petition could not be converted into a title suit. However, the present case is different. Here one of the landlords has sold the property to that son of the other landlord (for whose benefit the personal necessity was being claimed). There is no dispute between the landlords inter-se. In the circumstances, the judgments cited by counsel for the petitioners are not applicable, and on the other hand, the judgment cited by counsel for the respondents is applicable to the facts of the present case. Consequently, finding no merit this petition is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

September 24, 2018
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No