

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

Civil Revision No.832 of 2018 (O&M)

Date of Decision: May 09, 2018

Simran Kaur

...Petitioner

Versus

Parveen Kumar and another

...Respondents

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

Present: Mr.Vijay Rana, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

This petition has been filed impugning the order 11.12.2017 of the Rent Controller, Jalandhar, whereby, the application under Order 1 Rule 10 CPC for impleading the petitioner as party in the eviction petition has been dismissed.

Respondent No.1 had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for eviction of respondent No.2 from the rented premises. The petitioner filed an application under Order 1 Rule 10 of the Code of Civil Procedure, 1908 for being impleaded as a party in the petition. It was pleaded that respondent No.1 was neither the owner nor the landlord of the property. That the applicant-petitioner was the owner thereof on the basis of a WILL dated 22.08.2007 executed in her favour by her grandmother the original owner of the property.

Respondent No.1 pleaded that he along with Dharam Pal Sharma

and Rajesh Kumar had purchased the property in question through an open

auction and that he had a sale certificate bearing No.11811 dated 24.03.2005 in his name.

The Rent Controller, Jalandhar dismissed the application holding that the applicant had not produced the WILL, nor had she produced any rent receipt indicating that rent had ever been received by her, whereas respondent No.1 had a valid sale certificate showing that he had purchased the property in an auction. Thus, she had not been able to show that she had any interest in the property.

Ld. Counsel for the petitioner has not been able to demonstrate as to how the above finding is wrong or perverse.

Even apart from the above reasoning of the Ld. Rent Controller, the application had to be dismissed as it is well settled that if there is any title dispute between the parties the same cannot be settled in rent proceedings but has to be settled in a separate set of proceedings. Reference in this regard may be made to **Jagjit Singh versus Ajit Lal and Anr.2014(2) R.C.R.(Civil) 928** and **Prem Singh Gupta versus Sunil Kumar Gupta and another 2017(4) PLR 250** .

Thus, there is no merit in the petition.

Dismissed.

May 09, 2018

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(**HARINDER SINGH SIDHU**)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No