

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 9266 of 2018 (O&M)
Date of decision: 18.12.2018

Manjit Kaur

.. Petitioner

v.

Sukhwinder Singh and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. S. Bajaj, Advocate for the petitioner.

...

AVNEESH JHINGAN, J. (Oral)

Aggrieved of the order dated 30.10.2018, passed by Civil Judge (Junior Division), Jalandhar (hereinafter referred to as 'the trial Court') dismissing the application of the petitioner under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (for brevity, 'CPC'), the present civil revision petition has been filed.

The facts in brief are that the petitioner claims to be a tenant of the godown measuring 53'x16' (Ground Floor), situated at Gurdev Nagar, Jalandhar. The petitioner had filed a suit for permanent injunction against Yudhveer Singh (respondent No. 2 in the petition). The said suit is pending. Respondent No. 2 entered into an agreement to sell with Sukhwinder Singh (respondent No. 1 in the petition) for selling the godown in question. Sukhwinder Singh filed a suit for declaration against Yudhveer Singh seeking declaration to the effect that action of Yudhveer Singh in terminating the agreement to sell dated 17.12.2016 and forfeiting the earnest money paid is wrong, illegal and unlawful. In the said suit filed by Sukhwinder Singh, the petitioner moved an application under Order I Rule

10 CPC for impleadment as necessary party. The said application was rejected, hence, the present revision petition.

Learned counsel for the petitioner argues that the petitioner is a tenant in the godown, hence, she is a necessary party in the suit for declaration. The learned trial Court erred in dismissing the application. He further states that it is apprehended in case the sale deed is registered in favour of Sukhwinder Singh, the petitioner would be evicted.

The contentions raised by learned counsel for the petitioner lack merit. Her suit regarding permanent injunction is already pending. A tenant in a property cannot restrict the landlord from selling of the property. The suit for declaration is with regard to an agreement to sell entered into between Sukhwinder Singh and Yudhveer Singh regarding sale of the godown in question. The petitioner is not at all necessary party to the said dispute. A tenant cannot be allowed as a party in a litigation between the land and the subsequent purchaser.

The argument raised that there is an apprehension that the petitioner would be evicted if the sale deed is registered in favour of Sukhwinder Singh is not well-founded. In case, such an eventuality occurs, the petitioner is not remedy less.

No interference is called for in the present petition. The same is dismissed accordingly.

(AVNEESH JHINGAN)
JUDGE

18.12.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No