

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

Sr. No.201

C.R. No.2029 of 2015 (O&M)

Date of decision: 02.04.2019

Balbir Kaur

....Petitioner

versus

Shahid Khan and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. D.D. Singla, Advocate for
Mr. Vikas Chaudhary, Advocate
for the petitioner.

Mr. Maninder Singh Saini, Advocate
for respondent No.1.

Mr. Jatinderpal Singh, Advocate
for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 26.04.2013 passed by the Rent Controller, Ludhiana (for short – the Rent Controller) through which an application filed by respondent No.2 under Order 1 Rule 10 CPC has been allowed.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that on the ground of non-payment of rent by respondent No.1 to the petitioner she filed a petition

under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short – the Act) seeking therein eviction of respondent No.1 from House No.567/4-C, Near Durga Mata Mandir, Village Sunet, Tehsil and District Ludhiana (for short – the suit premises). In such petition, the petitioner had asserted herself to be owner/land lady of the suit premises which she had allegedly purchased from one Kulwant Kaur. While such eviction petition was pending, respondent No.2 filed an application under Order 1 Rule 10 CPC seeking himself to be impleaded as a respondent in the aforesaid eviction petition filed by the petitioner. The case set up by respondent No.2 was that it was he who was the owner of the suit premises and not the petitioner and that the eviction petition had been filed by her only with the intention of grabbing the suit premises with the connivance of respondent No.1. It was submitted by respondent No.2 that the suit premises was in khasra nos. 712 and 713 situated in village Sunet, Tehsil and District Ludhiana and had been let out by respondent No.2 to respondent No.1 on 23.08.2012 on a monthly rent on Rs.2000/-. It was further submitted that an injunction suit has been filed by respondent No.2 against respondent No.1 to restrain respondent No.1 from subletting the suit premises or from making any addition or alteration, which was pending. It was further pleaded that the sale deed relied upon by the petitioner pertained to khasra nos.714 and 715 in village Sunet, Tehsil and District Ludhiana and thus, to prevent any prejudice that may be caused to respondent No.2 he should be impleaded as a respondent in the petition filed by the petitioner. The Trial Court allowed respondent No.2's application through the order which is under challenge in the present petition.

Learned counsel for the parties have been heard.

Asserting herself to be owner of the suit premises, through the eviction petition preferred by the petitioner she seeks therein the eviction of respondent No.1. She has based her claim of ownership over the suit premises on the basis of a sale deed between herself and one Kulwant Kaur. On the other hand, respondent No.2 asserts his right over the suit premises, which is under the tenancy of respondent No.1, on the basis of revenue record and judgment and decree dated 23.08.2018 passed by the Civil Court in an injunction suit filed by respondent No.2 against respondent No.1 to restrain him for subletting the tenanted premises or to make addition/alteration therein. (Such judgment has been produced in Court, which is ordered to be taken on record as Annexure 'X'. A copy of the same has been supplied to learned counsel for the petitioner). Learned counsel for respondent No.2 has further placed reliance on an order dated 20.11.2018 passed by the Rent Controller, Ludhiana, ordering therein the ejectment of respondent No.1 in an eviction petition preferred by respondent No.2. (This order has also been produced in Court, which is ordered to be taken on record as Annexure 'Y'. A copy of the same has also been supplied to learned counsel for the petitioner).

The above facts clearly reveal that in the petitioner's eviction petition respondent No.2 is at least a proper party because an order to be passed in the petitioner's eviction petition wherein she has claimed herself to be owner of the suit premises may prejudice the rights of respondent No.2 who also asserts his claim over the suit premises. This view of mine is further crystallized in view of the afore-referred judgments and decrees (Annexure X and Annexure Y).

In view of the above, the impugned order warrants no interference.

Dismissed.

(DEEPAK SIBAL)
JUDGE

April 02, 2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No