

Civil Revision No. 3538 of 2019 (O&M)

Date of decision : August 22, 2019

Sushma Bhai and others

.....Petitioners

Versus

Ranjana Suri and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Bhupinder Ghai, Advocate
for the petitioner.

LISA GILL, J.

The petitioners are aggrieved of order dated 24.01.2019 passed by the learned Rent Controller, Chandigarh whereby their application under Order 1 Rule 10 CPC has been dismissed.

Brief facts necessary for the adjudication of this petition are that respondent No. 1 filed a petition under Section 13 of the East Punjab Rent Restriction Act (for short – 'the Act') seeking ejectment of the tenant (respondent No. 2 in this petition) from the demised premises i.e. a flat allotted by the Chandigarh Housing Board (for short – 'CHB') in favour of Smt. Kamla Bhai i.e. mother of respondent No. 1 – Ranjana Suri, mother-in-law of petitioner No. 1 and paternal grandmother of petitioners No. 2 and 3.

The petitioners preferred an application under Order 1 Rule 10 CPC seeking their impleadment in the said petition, claiming that Brij Mohan Bhai (brother of Ranjana Suri and husband/father of the petitioners) had purchased their property in the name of his mother and that respondent No. 1 had concealed material facts. This application was dismissed by the learned Rent Controller, on 24.01.2019.

Heard.

Learned counsel for the petitioners is unable to deny that as per the record of CHB, respondent No. 1 - Ranjana Suri is recorded as the owner of the suit property on the basis of a registered Will executed by the erstwhile owner Smt. Kamla Bhai. The petitioners have undisputedly filed a civil suit for declaration to the effect that they are owners in possession of the demised premises. The said suit is pending adjudication. However, the pendency of the said civil suit does not in any manner make them necessary or proper parties to the petition under Section 13 of the Act filed by respondent No. 1.

Learned Rent Controller on considering the application has rightly observed as under:-

“ Accordingly, at this stage, petitioner who is recorded as owner of property in question in the records of Chandigarh Housing Board is entitled to proceed the present petition. Notwithstanding that such title of petitioner has been impugned by the applicants in other civil suit, the applicants are neither proper nor necessary parties for the purpose of present case. Even if the civil suit filed by the applicants succeeds, still present petitioner Ranjana Suri would be considered as co-owner of property in question on the basis of natural inheritance. Accordingly, in any circumstance, the share of petitioner would be there in the property in question. Present case is a rent petition u/s 13 of East Punjab Rent Restriction Act. This Court is not required to decide the title of demised premises. Accordingly, applicants are neither proper nor necessary parties for the purpose of present petition which has been filed by petitioner claiming eviction of tenant from the demised premises.”

No other argument has been raised.

Learned counsel for the petitioners is unable to point out any illegality, infirmity, perversity or error of law in the impugned order dated 24.01.2019 passed by the learned Rent Controller, Chandigarh which calls for interference in exercise of revisional jurisdiction by this Court. The same is upheld.

Present petition is, accordingly, dismissed.

August 22, 2019
rts

(Lisa Gill)
Judge

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