

CR No.3870 of 2019 (O&M) 1

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

**CR No.3870 of 2019(O&M)
Date of Decision:15.11.2019.**

Suresh Kumar Jain

.....Petitioner

Versus

Shashi Chopra and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ramneek Vasudeva, Advocate
for the petitioner.

LISA GILL, J(Oral).

Petitioner, is aggrieved of order dated 17.11.2018, passed by the learned Civil Judge (Jr. Division), Rupnagar, whereby the petitioner-tenant's application for dismissal of petition filed by the respondents-landlords, under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short 'Act'), has been dismissed.

Learned counsel for the petitioner primarily argues that the demised property is the subject matter of another civil suit, wherein title thereof is under dispute. The respondent-landlords have filed the petition seeking the petitioner's ejectment claiming to be the owners of the property on the basis of a registered sale deed. The said sale deed, it is submitted is also the subject matter of challenge in the civil suit. It is contended that the respondents had moved an application for being impleaded in the said suit. Their application had been dismissed and their revision petition was dismissed as well, by this Court. Therefore, the respondents are not the owners of the suit property. In these circumstances, it is submitted that

petition under Section 13 of the Act, should be dismissed at the very outset.

It is thus prayed that the present revision petition be allowed.

I have heard learned counsel for the petitioner and have gone through the file as well as order dated 15.05.2017 passed in CR No. 5539 of 2016, by this Court.

In my considered opinion, there is no ground whatsoever to interfere in the impugned order dated 17.11.2018, passed by the learned Civil Judge (Jr. Division), Rupnagar. It is not in dispute that the proceedings in the petition under Section 13 of the Act, are at the stage of petitioner's evidence. The landlords had admittedly purchased the demised premises by way of a registered sale deed from the persons who are defendants in the pending civil suit. The plaintiff therein has filed a suit for declaration claiming to be a co-sharer with the defendants therein. Dismissal of the respondents-landlords application under Order 1 Rule 10 CPC in the suit on the ground that all subsequent vendees need not be impleaded, cannot be a ground to dismiss their petition at the very outset itself. Learned Civil Judge (Jr. Division), Rupnagar, has rightly dismissed the application being premature and devoid of merit. Furthermore, pendency of the civil suit filed by the present petitioner against the respondents and others, seeking an injunction for restraining them from dispossessing the petitioner, is not a bar to the filing of the petition under Section 13 of the Act and neither a ground for dismissing the same.

Learned counsel for the petitioner is indeed unable to point out any ground whatsoever which justifies dismissal of the petition filed by the respondent, at this stage.

No other argument has been raised.

Learned counsel for the petitioner is unable to point out any

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illegality, infirmity or perversity in the impugned order dated 17.11.2018, passed by the learned Civil Judge (Jr. Division), Rupnagar, which calls for interference by this Court in exercise of revisional jurisdiction.

Petition is accordingly dismissed with no order as to cost. Needless to say, the petitioner is at liberty to raise all the available pleas as are raised in this petition, at the relevant stage.

15.11.2019
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.