

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

119

CR No.276 of 2020 (O&M)
Date of decision : 12.02.2020.

M/s OCM Woolen Retail Shop and another

... Petitioners

Versus

Kamlesh Rani

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Namit Gautam, Advocate for the petitioners.

Anupinder Singh Grewal, J. (Oral)

The petitioners/tenants have challenged the order dated 03.12.2019 passed by the Rent Controller whereby their application for impleadment of a co-owner as a petitioner in the rent petition has been dismissed.

Learned counsel for the petitioners contends that as the rent was paid to all the co-owners and therefore, the co-owner, namely, Sandeep Aggarwal was required to be impleaded as a petitioner/party in the rent petition.

Heard.

It is manifest from the material on record that the demised premises are still in joint ownership of the legal representatives of both Ram Tirath and Sarbati Devi. The petition for ejectment has been filed by the legal representatives of Ram Tirath being co-owner of the demised premises.

It is well settled that every co-owner has a right to file an eviction petition even without impleadment of other co-owners. The petitioners are *dominus litis* and it is up to them to implead the parties and in the event of non-joinder or misjoinder of parties, it will be open to the respondent to

raise this issue before the trial Court which would be adjudicated in the facts and circumstances of the case. Nevertheless, the petitioners, who are the respondents/tenants in the rent petition, cannot seek impleadment of a co-owner as a co-petitioner.

Consequently, I do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

February 12, 2020

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No