

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 128 of 2021

Date of Decision: 28.01.2021

Parvinder Kumar Nayyar

... Petitioner(s)

Versus

Duni Chand Nayyar and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Nitin Sachdeva, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

This revision petition has been filed challenging the order dated 08.01.2020, passed by the learned Appellate Authority, refusing to implead the petitioner as a respondent in a pending appeal, filed by the tenant against the order of eviction.

Respondent No.1-Duni Chand Nayyar, son of late Sh.Amar Nath Nayyar, claiming to be the landlord, filed a petition seeking eviction of the tenant under Section 13 of the East Punjab Urban Rent Restrictions Act, 1949. After nearly 5 years of trial, the eviction order was passed on 02.02.2013. The tenant filed an appeal before the learned Appellate Authority in the year 2013, which is pending. The petitioner filed an application for impleadment as respondent claiming that he is a legal heir of erstwhile owner late Sh. Amar Nath Nayyar. The learned Appellate Authority, on appreciation of the facts, found that while deciding the eviction petition, the learned Rent Controller or the Appellate Authority cannot decide the question of title. The Court has further held that since the

was dismissed.

This Court has heard learned counsel for the petitioner at length and with his able assistance, perused the paper-book.

The petitioner claims that late Sh.Amar Nath Nayyar had bequeathed the property in his favour. If that be so, the petitioner can always file a suit to establish that fact. In the present proceedings, the only question, which requires determination is whether the tenant is liable to be evicted or not. Respondent No.1-Duni Chand Nayyar has already got an order of eviction against the tenant from the learned Rent Controller. In such circumstances, no ground to interfere. Hence, the revision petition is dismissed.

(Anil Kshetarpal)
Judge

January 28, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No