

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Decided on : 16.05.2022

CR-1074-2022 (O&M)

Maharishi Balmiki Ashram

..... Ashram

Versus

Sona Devi and others

..... Respondents

CR-1085-2022 (O&M)

Maharishi Balmiki Ashram

..... Ashram

Versus

Sona Devi and another

..... Respondents

CR-1090-2022 (O&M)

Maharishi Balmiki Ashram

..... Ashram

Versus

Sona Devi and another

..... Respondents

CR-1093-2022 (O&M)

Maharishi Balmiki Ashram

..... Ashram

Versus

Sona Devi and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Pal Singh, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

This order shall dispose of above-said revision petitions as
same question of law is involved in them. Brief facts of the case are taken

from CR No.1074 of 2022.

Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside of the order dated 16.11.2021 (Annexure P-5) passed by Rent Controller, Kurukshetra in rent petition titled as “Sona Devi vs. Mohan Singh and another” whereby an application under Order 1 Rule 10 CPC for substituting and impleading the present petitioner as necessary party, was dismissed.

Learned counsel for the petitioner-Maharishi Balmiki Ashram (hereinafter called as 'Ashram') *inter alia* contends that the Rent Controller while passing the impugned order erred in not appreciating that the Ashram was the real title-holder of the demised premises, therefore, only it could seek the eviction of the tenants i.e. respondents No.2 and 3 herein from the demised premises. He further submits that respondent No.1 was claiming herself to be the owner of the demised premises by virtue of a sale deed dated 24.06.2013, however, since the vendor of the aforementioned sale deed had expired, no title thereof could be thus, passed in favour of respondent No.1. He submits that since respondent No.1 was neither owner nor landlord of the demised premises, she had no locus to pursue the eviction proceedings and hence, the Ashram being the owner should have been substituted in place of respondent No.1 as landlord in the rent petition.

Heard learned counsel and perused the relevant material on record.

The Ashram by way of an application under Order 1 Rule 10 CPC is seeking to be substituted and added in place of respondent No.1 as landlord by claiming to be the owner of the demised premises.

It is the categoric stand of the Ashram that being the owner of the demised premises, it is only the Ashram which can seek eviction of the tenants and respondent No.1 on the other hand, in the absence of any right, title or interest in the suit property would thus, have no locus to pursue the eviction proceedings. The Ashram in essence is disputing the title of respondent No.1 by claiming itself to be the owner of the demised premises. It would not be out of context to observe here that the Rent Controller in eviction proceedings cannot go into the issue of title of the landlord with respect to a demised premises. The jurisdiction of the Rent Controller is limited to the extent of adjudication on the question as to whether or not there exists a relationship of landlord and tenant between the parties and further, as to whether the tenant is liable to be evicted or not. It would, therefore, be beyond the jurisdiction of the Rent Controller to go into the issue of title of the landlord and adjudicate upon the same. The Hon'ble Supreme Court in ***Rajendra Tiwary vs. Basudeo Prasad and another, 2002 (46) ALR 222 (SC)*** has held that the jurisdiction of Rent Controller is limited to decide the rent petition and pass a decree for eviction on the grounds as may be specified in the relevant enactment. Whenever a dispute is raised by a person qua the title of the landlord, it would be open for him to seek appropriate remedy in a Civil Court and such person would be precluded from being impleaded as a party under Order 1 Rule 10 CPC in an eviction petition, to claim his ownership, as has been held by the Hon'ble Supreme Court in ***Dr. Ranbir Singh vs. Asharfi Lal, 1995 SCC (6) 580***.

As a sequel to the above, this Court is of the opinion that a third party claiming ownership with respect to the demised premises cannot be said to be a necessary party in eviction proceedings.

The present petition being devoid of any merit stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

16.05.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No