

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

CR-5459-2018 (O&M)
Reserved on: 17.01.2023
Date of pronouncement: 25.01.2023

Vipin Jain

...Petitioner

Versus

Manoj Jain and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ashwani Gaur, Advocate for the petitioner.

Mr. Amit Kumar Jain, Advocate for respondent No.4.

H.S. MADAAN, J.

Under challenge in this revision petition is order dated 12.04.2018, passed by the Rent Controller, Jind, vide which an application under Order 1 Rule 10 CPC filed by applicant Vipin Jain for being impleaded as respondent No.2 in the rent petition was dismissed. Such applicant, who is revision petitioner before this Court, states that the revision petition be accepted; impugned order be set aside; application in question filed by him be allowed, and he be brought on record as respondent No.2.

Briefly stated facts of the case are that petitioners Manoj Jain, Deepak Jain and Naveen Jain sons of late Sh. Ajit Kumar Jain, residents of Patti Chimangir, Main Bazar, Jind had brought an ejectment petition under Section 13 of the Haryana Urban (Control of Rent and

Eviction) Act, 1973 against respondent/tenant Ankit Jain residing near Baba Hari Kishan Dass Mandir, Main Bazar, Jind with regard to shop situated at Main Bazar, Jind, fully described in headnote of the petition.

Notice of that petition was given to the respondent, who put in appearance. During the course of ejectment proceedings before Rent Controller, Jind, applicant Vipin Jain had filed an application under Order 1 Rule 10 CPC, contending that petitioner Deepak Jain by concealing true and material facts from the High Court had got himself impleaded as a party in CM-2276-C-2012 by representing that applicant had mortgaged the property in dispute to him in April 2011. The shop in question was given on rent to the respondent by Devat Ram. The applicant had purchased the shop in question vide sale deed No.4069 dated 19.01.2009 and since then, he is landlord and owner of the shop in question having received rent till 31.03.2016 from the tenant. The petitioners have no concern with the shop, they are not the landlords, therefore, the applicant be impleaded as respondent No.2 for proper decision of the case.

Notice of the application was given to the petitioners, who opposed the same tooth and nail. It was dismissed by the Rent Controller, Jind, vide impugned order dated 12.04.2018. The operative part of the order runs as under:-

“5. The present petition is a rent petition filed by petitioners against respondent for his eviction from the tenanted premises. Petitioners are claiming themselves to be landlords but respondent is denying the tenant landlord relationship and applicant is also disputing the tenant landlord relationship of petitioners and respondent.

Applicant is claiming himself to be owner of the shop in question and landlord of respondent.

6. This court is of the considered view that question of title cannot be decided in a rent petition. In rent petition, each party has to prove and disprove, respectively, the tenant and landlord relationship. If the petitioners are not landlords then their petition would be dismissed and if they succeed in proving that they are the landlords then the court can go into question that whether the grounds as sought by them for eviction of respondent from the tenant premises stands proved or not. In this entire proceeding, applicant nowhere fits as he is neither a necessary nor a proper party to decide the question that whether petitioners are landlords of respondent or not.

7. In such circumstances, application in hand stands dismissed. Now case is adjourned to 03.07.2018 for filing written statement by respondent, subject to only last opportunity and if respondent fails to file the same on next date of hearing then his defence shall be struck off by court order.”

This order left the applicant/petitioner aggrieved and he has approached this Court by way of filing the present revision petition, notice of which was given to the respondents, however, only respondent No.4 has put in appearance through counsel.

I have heard learned counsel for the revision petitioner and counsel for respondent No.4 besides going through the record and I find that the revision petition is without any merit. The jurisdiction of the Rent Controller is quite limited and Rent Controller cannot proceed to decide

the question of title. The Rent Controller is mainly to see whether there exists relationship of landlord and tenant between the parties or not. The applicant claims himself to be owner of the shop in question. He can seek his remedy in the Civil Court and the forum for determination of his rights in the suit property in the shop in question qua petitioners Manoj Jain etc., cannot be shifted before the Rent Controller.

The order passed is quite detailed and well reasoned. It does not suffer from any illegality or infirmity. The revision petition is found to be without merit and is dismissed accordingly.

25.01.2023
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(H.S. MADAAN)
JUDGE

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