

CR-2841 of 2023

2023:PHHC: 086186

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

CR-2841 of 2023

Date of decision: 06.07.2023

Amandeep Singh

.....Petitioner

Versus

Upinder Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Saurav Kanojia, Advocate,
for the petitioner.

Mr. Namit Gautam, Advocate,
for the respondents.

NAMIT KUMAR, J.

1. This revision petition has been filed by the petitioner under Article 227 of the Constitution of India challenging the order dated 05.04.2023 passed by the Rent Controller, Ludhiana, whereby second application under Order 1 Rule 10 CPC for impleading him as respondent No.3 has been dismissed.

2. Petitioner is claiming himself to be co-owner/landlord of the shop forming part of the property bearing Municipal Unit No.B-XXIX-1900/96/46, comprised in khasra no.294, 295 etc., khata no.316/394, 317/395 as per the jamabandi for the year 2003-2004 in Amandeep market, previously known as Inder Mohan Market, Satguru Nagar, Daba Lohara Road, Hadbast no.262, Ludhiana, upto the extent of 762 sq. yards with his mother and father, The first application for impleading the petitioner under Order 1 Rule 10 CPC was dismissed by

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the Rent Controller vide order dated 21.08.2019. The second application for impleadment was filed on the premises that after dismissal of the first application, compromise dated 05.08.2019 has been effected, whereas the said compromise was already in existence when the first application was dismissed on 21.08.2019.

3. Learned counsel for the respondents has produced order dated 26.07.2022 passed by a Co-ordinate Bench of this Court in CR-3861 of 2019 and connected cases wherein it has been held as under: -

“Proceedings under Section 13 of the East Urban Punjab Rent Restriction Act, 1949, to eject the tenants from the tenanted premises, are pending. During their pendency, applications for impleadment filed by the various co-owners of the property, have been allowed on the ground that they are also interested parties, having ownership in the tenanted property. In an eviction petition, the Rent Controller is required to examine as to whether there is a relationship of landlord and tenant between the concerned parties and whether the tenant is liable to be ejected. Inter se dispute between the various owners is not required to be adjudicated upon in an eviction petition. The Rent Controller is a Tribunal of limited jurisdiction. If there is any inter se dispute between the owners, the remedy is to file a civil suit.

Learned counsel representing the respondents submits that Sh. Hardip Singh, one of the co-owners, has also filed separate eviction petition against the tenants. If that is so, he may file an application for transfer of the proceedings to the same Rent Tribunal so that the matters can be decided together. However, the co-owners cannot be impleaded as respondents.

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Consequently, the orders under Challenge are set aside and the revision petitions are allowed.

All the pending miscellaneous applications, if any, are also disposed of.”

4. On 08.05.2023 following order was passed by a Co-ordinate Bench of this Court: -

“Learned counsel for the petitioner seeks some time to address arguments as to how a second application under Order 1 Rule 10 CPC is maintainable. On his request, adjourned to 04.07.2023.”

5. During the course of arguments, learned counsel for the petitioner could not point out as to how the findings recorded by the trial Court were either contrary to the position of law or suffered from material irregularity.

6. This Court concurs with the above reasoning given by the Co-ordinate Bench of this Court and does not find any illegality or perversity in the impugned order. Consequently, the present revision petition is dismissed.

06.07.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No