

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

CR-2704-2022(O&M)

Date of decision:-28.3.2023

Gian Singh and another

...Petitioners

Versus

Rajinder Kumar and others

...Respondents

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

Present: Mr.Amit Kohar, Advocate
for the petitioners.

H.S. MADAAN, J.

1. Under challenge in this revision petition is the order dated 2.7.2022 passed by Rent Controller, Jagadhri vide which an application filed by the revision petitioners Gian Singh and Sham Lal for impleading them as co-owners/landlords in the rent petition had been dismissed. The revision petitioners pray that their petition be accepted, the impugned order be set aside and application filed by them be allowed.

2. Briefly stated, facts of the case are that petitioner Rajinder Kumar had brought an ejectment petition against respondent Raj Kumar before Rent Controller, Jagadhri. During the course of proceedings, the revision petitioners filed an application for impleading them as petitioners being co-owners/landlords on the basis of Will dated 9.5.2005 executed

by earlier owner Sh.Soran Lal in favour of his three sons, namely, Gian Singh, Sham Lal and Rajinder Kumar. According to the applicants only Rajinder Kumar had filed the ejectment petition against the tenant, in that way the applicants were a necessary party, therefore they be impleaded.

3. The application was resisted by the petitioner/landlord Rajinder Kumar, who had filed the ejectment petition. Vide the impugned order, the application was dismissed holding that the question of title or the extent of the shares held by them against each other in the demised shop cannot be decided in an ejectment proceedings against the tenant, in that way applicants Gian Singh and Sham Lal were not found to be necessary party in the ejectment petition filed by their brother Rajinder Kumar against tenant Raj Kumar. According to the petitioner Rajinder Kumar, as per the settled law, one of the co-owners can maintain an ejectment petition against the tenant even if the property in question is found to be joint.

4. I have heard learned counsel for the revision petitioners besides going through the record.

5. The Rent Controller was fully justified in dismissing the application under Order 1 Rule 10 CPC filed on behalf of the applicants/ revision petitioners. The impugned order passed by the Rent Controller, Jagadhri is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional

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jurisdiction.

6. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

28.3.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No