

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.134

Case No. : C. R. No.1102 of 2024

Date of Decision : March 11, 2024

Municipal Corporation, Amritsar Petitioner
vs.
Indian Academy of Fine Arts (Regd.)
and another Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

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GURBIR SINGH, J. :

1. Challenge in this petition is to the order dated 02.08.2023 (Annexure P-6), passed by learned Rent Controller, Amritsar, whereby application moved by the petitioner under Order 1 Rule 10 CPC (Annexure P-3) has been dismissed.
2. The brief facts, necessary for adjudication of the present revision petition, are that respondent no.1 – Indian Academy of Fine Arts (Regd.), a Society registered under the Societies Registration Act (hereinafter referred to as – the landlord) filed ejectment petition under Section 13 of the East Punjab Urban Rent Restriction Act against respondent no.2 – M/s Fine Art (hereinafter referred to as – the tenant), on the ground of personal necessity and arrears of rent.
3. The tenant filed reply, taking plea therein that it was inducted as tenant by landlord in the demised premises but the landlord did not disclose

at the time of entering agreement dated 12.09.1995 that the property was taken by it on lease and it is only a lessee in the premises in question and thus, landlord has no right to file the ejectment petition because only a landlord has right to file the ejectment petition.

4. Learned counsel for the petitioner has argued that the landlord has claimed ownership rights on the property in question, whereas the landlord was a mere lessee and the property was leased out by the Municipal Corporation, Amritsar vide agreement dated 17.05.1956 (Annexure P-4), for a limited period and limited purpose i.e. to use the building for work related to art only and not for any other purpose or to sub-let the premises which is a building on the land of Municipal Corporation. The said lease has expired since long and the landlord is unauthorizedly occupying the said property. The landlord wants to create false/fake title of ownership at the back of Municipal Corporation, Amritsar but presence of petitioner Municipal Corporation, Amritsar is necessary and the petitioner is required to be impleaded as a party in the ejectment petition.

5. I have heard the submissions of learned counsel for the petitioner and have gone through the case file.

6. The dispute between the tenant and the landlord is with regard to ejectment from the demised premises. Respondent no.2 has admitted that it was inducted as a tenant by respondent no.1 i.e. landlord. The title is not to be decided in the instant case. If there is any specific stipulation in the lease deed, then the petitioner has got separate remedy to take action as per lease deed but the petitioner is neither necessary nor proper party for disposal of the instant revision petition. A landlord is not necessarily to be owner of a

property. If a person is entitled to receive the rent from the tenant, the said person is landlord. The learned Rent Controller, relying on Ramesh vs. Municipal Corporation of Greater Bombay reported as 1992 AIR SCW 846 and Sanjay Gupta vs. Kala Wati reported as 2000 (3) RCR (Civil) 533, dismissed the petitioner’s application under Order 1 Rule 10 CPC while observing that the cause of action and dispute of the petitioner is different from that raised in the rent petition. The title of premises is not to be decided in the ejectment petition. The petitioner is neither necessary nor proper party for decision of ejectment petition.

7. In view of the above, this Court finds no illegality or perversity in the impugned order dated 02.08.2023 (Annexure P-6), passed by learned Rent Controller, Amritsar. Accordingly, there being no merit in the present revision petition, the same is hereby dismissed in limine.

8. Pending applications, if any, shall stand disposed of along with this judgment.

March 11, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.