

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

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**CR-1617-2024 (O&M)
Date of decision:14.03.2024**

Yashpal Sharma & another

... Petitioners

Vs.

Bhim Sain & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Vishal Sharda, Advocate for the petitioners.

...

SUKHVINDER KAUR, J.

1. The instant revision petition has been filed against the order dated 09.02.2024 passed by the Rent Controller, Kurukshetra (Annexure P-1), vide which an application filed by the petitioners under Order 1 Rule 10 CPC for impleading them as a party in the suit has been dismissed.

2. The brief facts that are relevant for the purpose of the present revision petition are that respondent No.1 – Bhim Sain, the original petitioner in Rent Petition No.49 of 2017 filed a petition under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 for ejectment of the respondents. On being served, respondents No.2 to 6 filed written statement denying the title, ownership as well as relationship of landlord and tenant amongst them. When the present petitioners in the revision petition came to know about the said petition, they approached the Rent Controller and filed an application under Order 1 Rule 10 CPC for impleading them as a party in the petition,

alleging that the petitioners are owners of the shop in question situated at Railway road Kurukshetra. The said shop was purchased by Amar Nath S/o Kundan Lal vide sale deed dated 22.06.1967. After death of Amar Nath, the shop in question and his other properties devolved upon the petitioners being his legal heirs. The demised shop has been rented out to respondent No.3 since the year 1983. As per the rent note dated 25.03.2002, respondent No.3 was tenant and the petitioners were the real owners and landlords of the shop in question.

3. Reply to the said application was filed by respondent No.1. The said application under Order 1 Rule 10 CPC was dismissed by the Rent Controller vide the impugned order dated 09.02.2024. Aggrieved of the same, the petitioners have knocked the doors of this Court by way of filing the present revision petition.

4. Learned counsel for the petitioners has contended that the Rent Controller has failed to take note of the fact that not only respondent No.1 claims to be the landlord but at the same time, he is also claiming himself to be the owner of the shop which is factually incorrect. The Rent Controller has also not appreciated the fact that though the petition had been filed in the year 2017 but the petitioners were not aware of the same and the moment they came to know about the pendency of the said rent petition, they moved an application under Order 1 Rule 10 CPC for being impleaded as a party in the said rent petition. He has contended that impleadment of the petitioners in the present rent petition is necessary for effectively adjudicating the

controversy in this case and has submitted that the impugned order is illegal, arbitrary and is not sustainable in the eyes of law.

5. I have heard learned counsel for the petitioner at length and have perused the record.

6. The present eviction petition has been filed by the petitioner - Bhim Sain against the respondents seeking their eviction from the demised premises. The respondents have denied the relationship of landlord and tenant. So it is to be determined in the present case that whether the respondents are liable to be evicted from the demised premises, on the basis of grounds as taken in the eviction petition. In the present eviction petition, the question of title is not to be adjudicated upon and the petitioners are only required to prove that they are landlords and the respondents are tenants under them. So keeping it in view, the petitioners/applicants are not necessary and proper party to the present eviction petition. The case law relied upon by the counsel for the petitioners **Surinder Kumar Nagpal Vs. Raj Chanana & others 2013 (1) RCR (Civil) 189** is not applicable to the facts of the case in hand as in the said case, the applicant was alleged to be one of the co-owners of the plot and both the father-in-law and son-in-law were claiming to be the landlords/owners of the property. But in the present case, the presence of the petitioners/applicants is not required to effectively adjudicate the controversy involved in the present case and if the applicants/petitioners are setting up title in the demised premises then they can avail their remedy regarding the same

by way of filing a separate suit.

7. In the light of the above, the impugned order does not suffer from any illegality or perversity and does not call for any interference.

8. The revision petition sans merit is dismissed.

(SUKHVINDER KAUR)
JUDGE

14.03.2024
harjeet

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |