

2024.PHHC.082925

**130 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CR-3485-2024****Date of Decision: 04.07.2024****SATNAM KAUR****... PETITIONER****VS.****VINOD KUMAR AND OTHERS****.. RESPONDENTS****CORAM: HON'BLE MRS. JUSTICE RITU TAGORE**

Present : Mr. Manish Prabhaker, Advocate,
for the petitioner.

***********RITU TAGORE , J**

This revision is directed against the order dated 12.09.2023 (Annexure P-1), whereby, learned Rent Controller, Amritsar dismissed the application under Order 1 Rule 10 read with Section 151 CPC (Annexure P-3) filed by the petitioner for her impleadment in the rent petition bearing No. RP-294 of 2021 titled as 'Vinod Kumar and another Vs. Davinder Singh'.

2. Learned counsel for the petitioner contends that marriage of petitioner was solemnized with respondent No.3 (the respondent before the learned Rent Controller) and has four children from the wedlock. It is stated that respondent No.3 was doing the job of a Head Operator in Anmol Cinema Jandiala Guru, owned by respondent No.1, and was given residential accommodation as employee of respondent No.1, free of cost.

3. Learned counsel submits that respondent No.1 misrepresented to the petitioner that he was a widower and assured her

that he would keep and maintain her as his wife. Subsequently, they developed an intimate relationship and solemnized a marriage in Durgiana Temple at Amritsar. He further submits that respondent No. 3 (husband of the petitioner) came to know petitioner's relationship with respondent No.1. However, upon the assurance of respondent No. 1, to maintain her and her children, she severed her relations with respondent No.3. It is stated that respondent No.1 gifted the house (demised premises) to her and since then, she is residing in the house alongwith her children for more than 20 years.

4. It is stated by learned counsel that wife of respondent No.1 was indeed alive and became aware of the relationship between the respondent No.1 and petitioner. Consequently, respondent No.1 under pressure from his wife and children commenced harassing the petitioner and compelled her to vacate the house (demised premises).

5. Learned counsel submits that respondent No.1 with deliberate and *mala-fide* intention, filed an eviction petition (Annexure P-2) regarding demised premises against respondent No.3 without impleading the petitioner as a party. It is contended that respondent No.3 is not contesting the petition and his defence has been struck off. In these circumstances, it is submitted that the petitioner is a necessary party in a rent petition as her rights in the demised premises are implicated. It is asserted that, in the event of an eviction order being passed, the respondent No. 1 would initiate necessary proceedings to dispossess her from the demised premises, thereby prejudicing her rights. The learned Rent Controller failed to appreciate these material facts as pleaded by the petitioner in her application (Annexure P-3), which demonstrates her

status as a necessary party in the ejectment petition (Annexure P-2). Consequently, it is urged that the petitioner should be impleaded to substantiate her position and defend her rights in the demised premises. Her presence is necessary for the just and proper adjudication of the case.

6. I have heard learned counsel for the petitioner and have gone through the impugned order, the paper book and the appended documents.

7. Keeping in view the prayer made in the present petition issuing of notice to the respondents is deemed unnecessary, at this stage.

8. It is a matter of record that respondents No.1 and 2, filed an ejectment petition (Annexure P-2) under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, against respondent No.3 (Davinder Singh), seeking eviction. It is acknowledged that the petitioner is not a party to this ejectment petition. As per the averments taken in the eviction petition, the demised premises was let out to the respondent No.3, Davinder Singh, in the year 1986 at a monthly rent of Rs.700/- per month and was mutually increased to Rs.1,500/- per month in the year 2003, with a further understanding of a 20% increased in the rate of rent every 02 years thereafter. The respondents No. 1 and 2, has sought eviction of respondent No.3 on grounds of non-payment of rent for the period detailed in the petition and personal *bona-fide* necessity of the demised premises. Notably, no relief has been claimed against the petitioner by the respondents No. 1 and 2.

9. The petitioner asserts her impleadment in the eviction petition (Annexure P-2), claiming her ownership in the demised premises, based on a gift allegedly made by respondent No.1 in her favour, as averred in the application (Annexure P-3). However, without delving into the aforesaid aspect, in given circumstances, the petitioner does not appear to be a necessary party in the ejectment petition to resolve the core issues concerning the eviction, or to enable the learned Rent Controller to decide the matter effectively and completely. Nonetheless, the petitioner, has liberty to pursue independently any remedy, as available to her under the law on the claimed asseverations set out in application (Anneure P-3). Certainly, petitioner has no *locus-standi* to intervene in the ejectment petition based on the assertions made and relief claimed by respondents No. 1 and 2. The learned Rent Controller has rightly determined so in this regard. Additionally, learned Rent Controller noted that the petitioner's application (Annexure P-3) for the impleadment was moved by the same Advocate, who represented respondent No.3 (the husband of the petitioner), and the application was filed subsequent to the striking off the defence of respondent No.3-tenant, just to linger on the case.

10. Based on the foregoing discussion, it is observed that the learned Rent Controller did not commit any jurisdictional error while dismissing the petitioner's application, thereby precluding intervention by this Court.

11. Accordingly, the present petition is dismissed.

12. Needless to mention that the observations made above should not be construed as expression of opinion on the merits of the

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case as same are purely confined to the present controversy and deliberations.

13. Pending application(s), if any, shall also stands disposed of.

04.07.2024
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(RITU TAGORE)
JUDGE

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