

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****118****CR-959-2025 (O&M)****Date of Decision : 14.02.2025**

Harmohan Singh and Another

....Petitioners

VERSUS

Rajwinder Kaur

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Parambir Singh, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed challenging order dated 18.12.2024 whereby application filed by the petitioners under Order I Rule 10 of the Code of Civil Procedure, 1908 for impleading the other co-sharers of the property as necessary party has been dismissed.

2. The respondent-landlord herein filed an ejectment petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 to vacate shop Nos.4 and 5 on the grounds of arrears of rent as well as her *bonafide* necessity. The petitioner-tenants herein appeared and filed an application under Order I Rule 10 CPC wherein they took a stand that the respondent-landlord herein was not the owner of the property and that the property had been sold to petitioner No.2 herein by way of an oral agreement and a civil suit is pending in this regard. It was further stated in the application that during the pendency of the ejectment petition it had come to the knowledge of the petitioners that there are other co-sharers and their names have been duly mentioned in the record of the Municipal Corporation. Learned counsel for the petitioners

would further contend that the co-sharers are necessary party as reflected in the M.C. record, however, they have not been impleaded as a party and that since petitioner No.2 is claiming to be the owner of the suit property, the impleadment of the said co-owners would be necessary.

3. Heard.

4. In the present case the ejectment petition was instituted on 11.07.2016. Written statement was filed by the petitioners on 21.08.2017 and the amended written statement was filed on 02.03.2019. The issues were framed on 08.11.2017 and the evidence of the respondent-landlord was closed vide order dated 16.07.2019. Thereafter, the evidence of the petitioner-tenants herein was closed vide order dated 27.11.2024. Thereafter, the counsel for the respondent-landlord tendered documents in rebuttal evidence and also submitted written arguments. On 18.12.2024, when the case was fixed for the petitioner-tenants to address arguments, on the said date instead of addressing the arguments, the present application was filed. The argument of learned counsel for the petitioners that the co-sharers would be necessary in the present case is noticed only to be rejected. It is trite that a co-sharer can file an ejectment petition. It is not the case of the petitioner-tenants herein that they are not tenants in the property and that they were not paying the rent to the respondent-landlord. The argument of learned counsel for the petitioners that since the property had been sold to petitioner No.2 herein by way of an oral settlement and hence the co-sharers would be necessary is also noticed

only to be rejected. Learned counsel for the petitioners has not been able to convince this Court that the co-sharers would be necessary only because the petitioners herein had raised a plea that the property had been sold to petitioner No.2 on the basis of an oral agreement. The Court refrains itself from commenting on the conduct of the petitioners who only in order to delay the proceedings had filed the present application.

5. In view of the above, present revision petition is dismissed being devoid of any merit. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

14.02.2025
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO