



CR-3121-2023 (O&M)

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

(308)

CR-3121-2023 (O&M)

Date of decision: - 04.05.2026

Gulzar Ram

....Petitioner

Versus

Gurnam Chand and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Didar Singh, Advocate
for Mr. S.S. Rangi, Advocate
for the petitioner.

None for respondents, in spite of due service.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 04.05.2023, passed by the Rent Controller, Khanna, vide which the application of the respondent No.2 for impleadment as party to the ejectment petition has been allowed.

ARGUMENTS ON BEHALF OF THE PETITIONER

2. Learned counsel for the petitioner has submitted that the petitioner had filed an eviction petition against Gurnam Chand-respondent No.1 for his eviction on the ground of personal necessity and non-payment of rent. It is further submitted that in the written statement filed by respondent No.1-tenant to the said petition, the relationship of



landlord and tenant was not denied and rather, it was stated by the said respondent No.1 that he started paying rent of the shop in question to the present petitioner being the son of Jamu Ram. It is further submitted that subsequently one Zora Singh, claiming himself to be a co-sharer of the property in question filed an application for impleadment, which has been allowed by the Rent Controller, vide the impugned order. It is argued that the petitioner is the absolute owner of the property, inasmuch as, Jamu Ram @ Jamna Ram had executed a Will in favour of the petitioner and all the legal heirs of the said Jamu Ram @ Jamna Ram including Zora Singh had given a joint statement on 08.01.2004 with respect to the said Will. It is further submitted that the petitioner had initially transferred the shop in question to Harbhajan Singh vide gift deed dated 25.08.2009, who had further sold the same to Nirmal Kaur vide sale deed dated 25.05.2011 and the said Nirmal Kaur had further sold the shop in question to the petitioner vide sale deed dated 29.04.2015. It is stated that the said facts clearly show that the petitioner is the exclusive owner of the shop in question.

3. It is submitted that at any rate, in case the claim of respondent No.2 to the effect that he has some right in the shop in question is to be accepted, then also, he cannot be made a party in the present case and he would to file an independent suit. In support of his arguments, learned counsel for the petitioner has relied upon a judgment of the Co-ordinate Bench of this Court in case titled as “**Dhan Singh and others Vs. Pushkar and another**”, reported as 2017(3) PLR 609.



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4. On 19.07.2023, a Co-ordinate Bench of this Court was pleased to pass the following order: -

*“Present: Ms. Sukhan Rangi, Advocate for
Mr. S.S. Rangi, Advocate
for the petitioner.*

Learned counsel for the petitioner submits that the petition under Section 13 of East Punjab Urban Rent Restriction Act, 1949 was filed by the petitioner against his tenant-respondent No.1. Relationship of landlord and tenant was admitted in the reply filed by tenant-respondent No.1 and it was also admitted that petitioner has been regularly receiving the rent. Zora Singh-respondent No.2 moved an application that he be impleaded as respondent being co-sharer. The learned trial Court vide impugned order allowed the application and he was impleaded as one of the respondents. In a rent petition where relationship of landlord and tenant is admitted, he could not be impleaded as respondent as he is neither necessary party nor proper party.

Notice of motion 23.11.2023.

In the meantime learned trial Court is directed to adjourn the case beyond the date fixed in this petition.

19.07.2023”

5. On 07.04.2026, it was observed that as per the report of the Registry the respondents had been served, however, none had appeared on their behalf and the case was adjourned to today. Today also, no one has appeared on behalf of the respondents.

ANALYSIS AND FINDINGS

6. This Court has heard learned counsel for the petitioner and has perused the paper-book and is of the opinion that the present revision



petition is meritorious and deserves to be allowed and the impugned order is against law and deserves to be set aside, for the reasons detailed hereinafter.

7. The present petitioner had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for the ejectment of respondent No.1 from the shop in question. In the said case, it was the case of the petitioner that initially Jamu Ram alias Jamna Ram father of the petitioner and Smt. Shalo Devi wife of Jamu Ram alias Jamna Ram were the owners in possession of the shop in question, which was purchased by them vide sale deed dated 09.06.1989. It was further his case that after the death of his parents, he became the owner of the shop in question. It was stated that respondent No.1 was a tenant in the premises in question and the present petitioner was the landlord. Eviction was sought on the ground of non-payment of rent as well as on the ground of bona fide requirement.

8. Respondent No.1-tenant in his written statement, which has been annexed as Annexure P-3, has not disputed the relationship of tenant and landlord between the parties and has rather stated that after the death of Jamu Ram alias Jamna Ram, respondent No.1 had started paying rent of the shop in question to the present petitioner and has specifically stated that there exists relationship of landlord and tenant between the petitioner and respondent No.1. Zora Singh, claiming himself to be the grandson of Jamu Ram alias Jamna Ram and son of Hans Raj, who as per him, was also a son of Jamu Ram alias Jamna Ram, had moved an application for



impleadment as a party in the present rent proceedings, which has been allowed vide the impugned order dated 04.05.2023 on the ground that the said Zora Singh is also claiming 1/36th share in the shop in question.

9. It is the case of the petitioner that he has a sale deed dated 29.04.2015 in his favour with respect to the premises in question showing that he is the owner of the premises in question and that regarding the same no declaration has been granted by the Civil Court to the effect that the said sale deed dated 29.04.2015 is not valid. It is further the case of the petitioner that Jamu Ram alias Jamna Ram during his life time has executed a Will in his favour and that all the persons who were claiming to be legal heirs of Jamu, including Zora Singh, had given a joint statement dated 08.01.2004 (Annexure P-1) in the mutation proceeding to the effect that the Will was duly executed and that they had no objection if the mutation was sanctioned in favour of the petitioner on the basis of the Will and accordingly, the mutation was so sanctioned. It is further the case of the petitioner that after becoming the owner of the property in question, the petitioner transferred the property to Harbhajan Singh, who further sold the same to Nirmal Kaur and the said Nirmal Kaur had sold the same to the present petitioner vide sale deed dated 29.04.2015, which sale deed, as stated hereinabove has not been set aside till date. It is thus the case of the petitioner that he is the exclusive owner of the premises in question on the basis of the said sale deed.

10. Be that as it may, even in case the petitioner is not the exclusive owner and respondent No.2 has some right in the premises in



question, then also, as per settled law, the said respondent No.2 does not have a right to be impleaded as a party in the present proceedings and the present proceedings in which the eviction had been sought by the petitioner who is the admitted landlord against his tenant, cannot be converted into a title dispute by virtue of the said impleadment. The Coordinate Bench of this Court in the case of Dhan Singh (supra) has reiterated the said proposition of law and has held as under: -

“8. *The dispute, at the instance of the present applicants, of the landlord-tenant and the right of eviction, cannot be converted here as a title dispute by virtue of the impleadment sought. Reference can be made to judgment passed in 'Ram Parkash Vs. Amar Nath and another' 1985 (1) RCR (Rent) 21 wherein it has been held that where the dispute of ownership was raised by the brother of the vendor, he could seek remedy in civil Court for his ownership and could file a separate application of ejectment and his application under Order 1 Rule 10 CPC was dismissed, while allowing the civil revision. Thus, apparently, the impugned order does not suffer from any infirmity or illegality.*

9. *In similar circumstances, in 'Subhash Chander and others Vs. Lala Baij Nath Aggarwal and others' 1993(2) RCR (Rent) 471 : 1993 (2) PLR 460 and in 'Kamla Devi and others Vs. Surinder Kumar and others' 2006(2) RCR (Rent) 484 : 2006 (3) PLR 371, it has also been held to that extent that normally the plaintiff is the master of his suit. It has been categorically held that the third party claiming ownership in the suit property is not a necessary party in the rent proceedings.”*

11. Additionally, the petitioner is the dominus litis and it is for the petitioner to implead those persons against whom relief has been claimed by the petitioner. In the present case, no relief has been claimed against the said Zora Singh and in the said facts and circumstances, Zora

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Singh is neither a necessary nor a proper party. A perusal of the written statement (Annexure P-3) would further show that respondent No.1/tenant is not disputing his relationship of landlord and tenant with the present petitioner. In the said facts and circumstances, it has been rightly argued on behalf of the petitioner that in case respondent No.2 is claiming any right in the premises in question, then, it is open to him to file an independent suit and he cannot be made a party in the present proceedings. The Rent Controller has limited jurisdiction and the complicated issue of title is not to be adjudicated by the Rent Controller.

12. Keeping in view the above, the impugned order dated 04.05.2023 is set aside and the present revision petition is allowed and the application filed by respondent No.2 for impleadment is dismissed.

May 04, 2026
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes