

CR-7116-2024

-1-

2026.PHHC.050419



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(210)

CR-7116-2024

Date of Decision: - 01.04.2026

Gurmeet Kaur and another

....Petitioners

Versus

Manjit Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rehan Gupta, Advocate
for Mr. Agam Aggarwal, Advocate
for the petitioners.

Mr. Dushant Jog, Advocate
for the respondent.

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 24.10.2024 passed by the Rent Controller, Ludhiana in a rent petition vide which application filed by the respondent/tenant under Order 1 Rule 10 CPC seeking to implead the alleged co-owners as parties has been allowed.

ARGUMENTS ON BEHALF OF THE PETITIONERS

2. Learned counsel for the petitioners has submitted that in the present case, the petitioners had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for eviction of the



respondent-Manjit Singh from the premises in question. It is further submitted that it was the case of the petitioners that they were co-owners-cum-landlords of the shop in question and had given the details with respect to their rights in the eviction petition. It is stated that to delay the proceedings, the respondent-tenant had filed an application under Order 1 Rule 10 CPC for impleading three persons, who as per his case, were the co-owners of the property in question. It is argued that by virtue of the impugned order, the said application has been allowed and the said alleged co-owners have been impleaded as petitioners No.3, 4 and 5 in the main rent petition. It is argued that the impugned order is against law and deserves to be set aside. In support of his arguments, learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court in the case of "**Kanaklata Das & Ors. Vs. Naba Kumar Das & Ors.**", ***passed in Civil Appeal No.3018 of 2008, decided on 25.01.2018*** as well as the judgment of the Co-ordinate Bench of this Court in the case of "**Sharad Kapoor Vs. Manjit Singh and others**", ***passed in CR No.6877 of 2017, decided on 01.06.2018***. It is prayed that the impugned order be set aside and the application filed by the respondent/tenant under Order 1 Rule 10 CPC be dismissed.

ARGUMENTS ON BEHALF OF THE RESPONDENT

3. Learned counsel for the respondent, on the other hand, has submitted that the impugned order has been rightly passed and since the other co-sharers were also seeking rent from the respondent-tenant, thus, in the said circumstances, the respondent-tenant was left with no other



option but to file an application under Order 1 Rule 10 CPC to implead all the co-owners of the property in question so that the respondent-tenant is not liable to pay rent for the same period to different landlords. It is prayed that the impugned order be upheld and the present revision petition be dismissed.

ANALYSIS AND FINDINGS

4. This Court has heard learned counsel for the parties and has perused the paper-book and finds that the present revision petition is meritorious and the impugned order dated 24.10.2024 is against law and deserves to be set aside and the application filed by the respondent-tenant under Order 1 Rule 10 deserves to be dismissed, for the reasons detailed hereinafter.

5. It is not in dispute that the petitioners had filed a petition under Section 13 of the East Punjab Restriction Act, 1949 for eviction of the respondent-Manjit Singh from the shop in question. It was the case of the petitioners that they were co-owners-cum-landlords of the shop in question and the details as to how they had become co-owners/landlords of the premises in question was given in the eviction petition. The tenant/respondent moved an application under Order 1 Rule 10 CPC for impleading three persons as parties to the eviction petition. It is argued before this Court on behalf of the respondent/tenant that the said three persons are also co-owners of the property in question along with the present petitioners and thus they were required to be impleaded as parties.

The Rent Controller, vide order dated 24.10.2024 had ordered the



impleadment of the said three persons to be made as petitioners No.3, 4 and 5 in the main rent petition. It was observed that all the legal heirs of the deceased-Sarwan Singh, who was the original landlord, were necessary parties in the present case.

6. A perusal of the application filed under Order 1 Rule 10 CPC by the respondent-tenant which has been annexed as Annexure P-9 along with the present petition would show that it was the case of the respondent-tenant that he was inducted as a tenant by Sarwan Singh and had further stated in para 2 that the said Sarwan Singh had died leaving behind several legal heirs, one of which was Gurmeet Kaur, who is petitioner No.1 before this Court and also before the Rent Controller. The fact that the petitioners are also co-shares in the premises is not disputed before this Court. The question that, thus arises before this Court is as to whether one of the co-owners can maintain an eviction petition against the tenant or all the alleged co-owners are required to be impleaded as parties and that too at the behest of the tenant.

7. The Hon'ble Supreme Court in the case of **Kanaklata Das & Ors. (supra)** had observed that in an eviction suit filed by the landlord against the tenant, it is only the landlord and tenant who are the necessary parties and that it is for the landlord to plead and prove two aspects in the suit so as to get a decree of eviction. The first being that there exists a relationship of landlord and tenant between the parties and the second being that the ground on which the eviction of the tenant is sought is meritorious and in case both the said two aspects are proved, then,



eviction could follow. It was further observed that a question of title to the suit premises is not germane for the decision of the eviction suit and even in a case where the landlord fails to prove his title, but proves the existence of relationship of landlord and tenant in relation to the suit premises and further proves the ground for eviction, the eviction suit is likely to succeed. It was also observed that in case any of the co-owner/landlord of the suit premises files a suit for eviction, then, it is not necessary that all the owners/landowners should join in filing the eviction and it is the plaintiff who is the *dominus litis* and he cannot be compelled to make a person party to the suit against his wishes, more so, when the said party is not a necessary party.

8. After considering the said legal principles, the Hon'ble Supreme Court had set aside the impugned order therein, vide which one of the persons who was claiming to be the co-sharer/co-owner of the property in question was ordered to be impleaded as a party and it was further observed that the said person who was claiming to be co-sharer was neither a necessary nor a proper party in the eviction suit filed therein, as the said eviction suit could be decreed or dismissed on merits without his impleadment. It was further observed that it is not the *inter se* right of the co-owners which is to be considered in an eviction petition rather it is the right between the landlord and tenant which is to be determined, which would largely depend upon whether there exists relationship of landlord and tenant between the parties. To the similar effect was the law laid down by the Co-ordinate Bench of this Court in



the case of Sharad Kapoor (supra), the SLP against which i.e. SLP (C) No(s.) 20464/2018 has been dismissed.

9. The law laid down in the above-said judgments applies on all fours to the present case. The petition for eviction filed by the petitioners cannot be converted into an *inter se* dispute of title between various persons who as per the tenant are co-owners along with the present petitioners.

10. Keeping in view the above-said facts and circumstances, the present revision petition is allowed and the impugned order dated 24.10.2024 is set aside and the application filed by the respondent-tenant under Order 1 Rule 10 CPC for impleadment is dismissed.

April 01, 2026
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes