

(1981) 12 P&H CK 0003

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No"s. 881 to 883 and 957 of 1981

Balbir Kaur and Others

APPELLANT

Vs

Novex Dry Cleaners, Patiala and
Another

RESPONDENT

Date of Decision: Dec. 9, 1981

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 1 Rule 10

Citation: AIR 1983 P&H 141

Hon'ble Judges: J.V. Gupta, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

1. This order will dispose of Civil Revisions Nos. 957, 881, 882 and 883 of 1981 as common questions of law are involved therein.

2. Facts given in Civil Revision No. 957 of 1981 are as under :--

Balbir Kaur has filed separate applications for ejectment of her tenants-respondents on various grounds. In the written statement filed on behalf of the tenants, it had been pleaded that there is no relation ship of land-lord and tenant between the parties. During the pendency of these ejectment applications, one Harinder Kaur filed an application under Order 1, Rule 10 of the Civil P. C. for impleading her as party to the ejectment applications. This was contested on behalf of the petitioner but the Rent Controller allowed the application with the result that Harinder Kaur was arrayed as respondent in the ejectment applications. According to the allegations made by Harinder Kaur in her application, the tenants are in occupation of the demised premises as tenants under her and she is the owner thereof. Though the tenants have supported her allegations but in the reply filed on behalf of the landlady petitioner, it was pleaded that Ranbir Singh was the owner of the demised premises and he rented out the premises and he rented out the premises in dispute

to the tenants and she being her successor-in-interest is entitled to eject them. According to the learned Rent Controller, the crucial consideration falling for adjudication is as to whether Ranbir Singh rented out the demised premises to the respondents or as to whether the respondents got it on rent from Chanan Singh or Harinder Kaur. This approach, in my opinion, is illegal and unwarranted. Admittedly, there is already an issue as to the existence of relationship of landlord and tenant between the parties. The petitioner, Balbir Kaur, will succeed only if it is proved that she is the landlady qua the tenants respondents. If she fails to prove herself to be the landlady, it is immaterial who is the other person under whom the tenants are holding the premises in dispute. A dispute between Harinder Kaur etc. and Balbir Kaur regarding the ownership of the property, cannot be decided in an ejectment-application by the Rent Controller. That is a dispute to be decided by a regular suit in a Civil Court. In support of this view, reference may be made to [Radha Krishna Agrawal and Others Vs. State of Bihar and Others,](#) and [Pravat Kumar Misra Vs. Prafulla Chandra Misra and Another,](#) . It cannot be disputed that in an ejectment-application under the East Punjab Urban Rent Restriction Act, if the third party claims to be the owner of the property, it could not be made a party to these proceedings as it will convert the proceedings into one for determination of title to the property in dispute, which is beyond the jurisdiction of the Rent Controller. In this view of the matter, the revision petitions succeed and the order of the Rent Controller impleading Harinder Kaur etc. as parties is set aside and the application under Order 1, Rule 10 of Civil P. C., is dismissed with costs.

3. Petitions allowed.