
(2018) 01 RAJ CK 0013
In the Rajasthan High Court
Case No : 1704 of 2018

Abdul Majid

APPELLANT

Vs

Dilip Kumar Godika H.U.F. & Anr

RESPONDENT

Date of Decision : 29-01-2018

Acts Referred:

[Code of Civil Procedure, 1908](#), [Order 1 Rule 10](#)

Citation : (2018) 01 RAJ CK 0013

Hon'ble Judges : Alok Sharma

Bench : Single Bench

Advocate : Anil Kumar Sharma

Final Decision : Dismissed

Judgement

1. By the impugned order dated 9.1.2018, the trial court has dismissed the applicant-petitioner's (hereafter "the applicant") application under

Order 1 Rule 10 CPC for being impleaded as a party in eviction petition filed by the plaintiff-landlord (hereafter the plaintiff) Dilip Kumar against

defendant-tenant (hereafter "the defendant") Abdul Rauf S/o late Abdul Salam. The trial court has found that admittedly in the patta of tenanted

property, which passed to the plaintiff under a registered sale deed, the name of the applicant was absent, prima-facie evidencing his lack of

claimed ownership of the tenanted property and by extension any interest therein. Besides the trial court held that in a landlord - tenant dispute, the

issue of ownership was not germane. So holding the trial court has dismissed the application for impleadment filed by the applicant.

2. Counsel for the applicant emphatically submitted that the said order has been passed dehors the facts stated in the application for impleadment.

3. I am, however, not impressed with the submission of counsel for the applicant. It is well settled for over 50 years that a third party cannot be

impleaded as a party in the eviction petition laid at the instance of landlord against the tenant on the ground of his claimed ownership as the issue of

ownership, claimed rightfully or otherwise, is not germane to such eviction petition.

4. There is no force in the petition. It is accordingly dismissed.