
(2001) 05 P&H CK 0113
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 2870 of 2001

Kiran Kumar Bansal

APPELLANT

Vs

Kusum Bansal

RESPONDENT

Date of Decision : 31-05-2001

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 1 Rule 10
Haryana Urban (Control of Rent and Eviction) Act, 1973 — Section 13, 2C

Citation : (2001) 2 RCR(Rent) 263

Hon'ble Judges : Swatanter Kumar, J

Bench : Single Bench

Advocate : Mr. J.K. Goel, for the Appellant;

Final Decision : Dismissed

Judgement

Swatanter Kumar, J.—This revision is directed against the order passed by the learned Rent Controller, Chandigarh dated 9.5.2001 vide which the learned Judge dismissed the application filed by the applicant under Order 1 Rule 10 C.P.C. for being impleaded as petitioner in eviction petition.

2. The case of the applicant was that he is a joint owner with one Smt. Kusum Bansal who had filed eviction petition against Indian Oil Corporation and others and it was further stated that he is entitled to receive the possession from the Indian Oil Corporation along with Kusum Bansal jointly. The petition has been filed on the ground of non-payment of rent. The learned Rent Controller held that the petitioner was neither a necessary nor a proper party for adjudicating the matters in controversy and hence his presence before the Court was not essential.

3. Co-owner/owner is not a necessary petitioner to a petition for eviction, more particularly when the petition can be filed even by a landlord like seeking eviction on the ground of non-payment of rent. If there is a dispute between the co-owners, they are obviously free to take recourse to remedies available under the

civil law. In fact they had already entered into a settlement in the Court of Civil Judge (Junior Division), Chandigarh on 8.3.2001. Thus, they cannot be permitted to get decided their issues before the Rent Controller by filing an application under Order 1 Rule 10 C.P.C. I see no error of jurisdiction or otherwise in the impugned order which would justify interference by this Court in exercise of its revisional jurisdiction. No merit. Dismissed in limine.

4. Petition dismissed.