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C.A.No. 4826 OF 2000

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4826 OF 2000

MADHU VIJ APPELLANT

VERSUS

SARLA VIJ AND ANR. . . . RESPONDENTS

O R D E R

In this appeal, a challenge is made to the order passed by the High Court in a revision petition dismissing it, affirming the order made by the Rent Controller rejecting the application made by the appellant for impleadment under Order 1 Rule 10 of the Civil Procedure Code (the 'CPC', for short) in an eviction petition filed by the respondent No.1 against her son who is the husband of the appellant herein. The respondent No.1, the mother-in-law of the appellant, filed a petition seeking eviction of her son, the respondent No.2 herein, on several grounds. The respondent No.2 has filed the written statement in the eviction proceedings denying the grounds made in the eviction petition and contesting the eviction petition, as can be seen from the averments made in the written statement.

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The appellant claims to be a tenant of the premises in question in her own right alleging that there is collusion between respondent Nos. 1 and 2 and in the event she is not impleaded, her rights will be seriously affected resulting in her eviction from the premises; under the circumstances, her presence was necessary in the eviction proceedings for proper and effective adjudication. The Rent Controller did not agree and rejected the application observing that the appellant and respondent No.2 are living together; there is no matrimonial dispute pending between them and also having regard to the facts and circumstances. Aggrieved by the order of the Rent Controller, the appellant filed a revision petition afore-mentioned. The High Court did not find any good ground to interfere with the said order of the Rent Controller, particularly taking note of the fact that the appellant has already filed other civil suit for permanent injunction restraining respondent No.1 herein from interfering with her possession over the property. We are also told during the course of hearing, that an order of status quo was passed in the said suit which is operating.

Learned counsel for the appellant in her argument reiterated the submissions made before the Rent Controller as

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well as before the High Court. On the other hand, the learned counsel for respondent No.1 submitted that all is not well with the appellant. He pointed out that the appellant has taken varying stand; she claims that she is in possession of the premises in question in her own right as a tenant; she has already filed two suits against the respondents; her presence in the eviction proceedings is not at all necessary and that the Rent Controller as well as the High Court were right in rejecting her contention for impleadment.

We are satisfied that the Rent Controller as well as the High Court were right in rejecting the application filed by the appellant for impleadment. When she has already filed two separate suits against the respondents, it is not necessary that her application should be considered for impleadment. At any rate, her presence in the rent control proceedings is not necessary and her application under Order 1 Rule 10 of the CPC was rightly rejected.

We find no merit in the appeal. Consequently, it is dismissed. There shall be no order as to costs.

.....J.

[SHIVARAJ V. PATIL]

New Delhi, [D.M. DHARMADHIKARI]
March 16, 2004.
ITEM No.103

Court No. 9

SECTION IV

.....J.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.4826/2000

MADHU VIJ

APPELLANT(S)

VERSUS

SARLA VIJ AND ANR.
(With office report)

RESPONDENT(S)

Date : 16/03/2004 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Ms. Naresh Bakshi, Adv.

For Respondent (s)Mr. N.M. Popli, Adv.
No.1Mr. S.K. Bansal, Adv.
Ms. Savitri Bansal, Adv.

No.2Mr. Sushil Kr. Pathak, Adv.
for Ms. B. Sunita Rao, Adv.

UPON hearing counsel the Court made the following
O R D E R

Ms. Naresh Bakshi, learned counsel for the appellant started her arguments at 12.00 noon and concluded at 12.45 p.m. Then Mr. N.M. Popli, learned counsel for respondent No.1 made his submissions till 12.55 p.m.

The appeal is dismissed in terms of the signed order. There shall be no order as to costs.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)