

Baldev Singh

Vs

Punjab National Bank and Others

Civil Appeal No. ... of 1996

(CJI A. M. Ahmadi, Sujata V. Manohar JJ)

19.02.1996

ORDER

1. Special leave granted.
2. Heard learned counsel for both the sides.
3. Respondent 2, Santokh Singh has filed a suit in the Court of Senior Sub-Judge, Jullundur for a declaration that the sale deed allegedly executed by Defendant 1, Baldev Singh, in favour of Defendant 2, Harbhajan Kaur, acting as power of attorney of the plaintiff is null and void and consequently the lease deed dated 10-2-1993 is null and void and not binding on the plaintiff. There are certain other consequential reliefs also. The question of title may, therefore, arise for determination in that suit.
4. The present special leave petition has been filed by Baldev Singh against the order dated 1-6-1995 in Civil Revision No. 2174 of 1995 whereby the High Court dismissed the revision from the order of the Additional Rent Controller dated 6-4-1995 allowing the application of Santokh Singh for being impleaded as a party under Order 1 Rule 10 CPC. The learned counsel for the appellant herein contends that the question of title cannot be gone into in the proceedings before the Rent Controller and the Rent Controller was in error in allowing the application and the High Court too was in error in summarily rejecting his revision. The situation which emerges is that if Santokh Singh cannot be, impleaded in the rent proceedings, wherein he would certainly raise the contention in regard to his title to the property, he would be without a remedy and the rent would be collected by Baldev Singh and thereafter he may have to take further proceedings against Baldev Singh, thus, multiplying the litigation. Therefore, the appropriate course would appear to be that rent suit should await the decision of the civil court on the question of title but in the meantime the tenant, i.e., the Punjab National Bank should go on depositing the rent/mesne profits in the Rent Control Court and the question of payment of the amount would be a matter that may be decided by the appropriate court at the appropriate point of time. The parties would be at liberty to move the civil court for an early hearing.
5. In the meantime, the Rent Controller may, at such intervals deemed appropriate, invest the rent in fixed deposits so that it may yield interest. The proceedings before the Rent Controller will remain stayed till the suit is disposed of. The present proceedings will stand disposed of accordingly.