



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CR-5565-2025 (O&M)

Date of Decision: August 20th, 2025

Jaswant Kaur

.....Petitioner

Vs.

Rama Devi and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

1. The present petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 08.07.2025 (Annexure P-3) passed by the learned Rent Controller, Gurdaspur in case no. RP-63 of 2018 instituted on 04.12.2018 titled as “Jaswant Kaur Vs. Rama Devi and others” to the extent that vide the said order, the Petitioner and Respondent Nos.2 & 3 (co-landlords) have been directed to open a joint bank account for the purpose of crediting the provisional rent and for further setting aside the subsequent orders dated 29.07.2025, 07.08.2025 and 11.08.2025 whereby, a total cost of Rs.11,000 has been imposed upon the petitioner and further direction has been issued that contempt reference will be sent to the Hon’ble High Court in case a joint bank account is not opened in terms of the directions issued vide order dated 08.07.2025.



2. Learned counsel for the petitioner contends that the petitioner filed a petition before learned Rent Controller, Gurdaspur for eviction of respondent No.1, wherein, respondent Nos.2 & 3 moved an application for impleadment as co-owners. The same was allowed.

3. Learned Rent Controller, Gurdaspur vide its order dated 08.07.2025, assessed the rent and directed the petitioner as well as respondent Nos.2 & 3 who are co-landlords to open a joint bank account so that the rent assessed can be disbursed in one account by the tenant-respondent No.1.

4. Learned counsel for the petitioner further contends that the petitioner had already apprised the learned Rent Controller, Gurdaspur, of the practical difficulty in opening a joint bank account with respondent Nos.2 and 3. Despite this, the learned Rent Controller insisted upon the opening of such an account. It is further contended that compelling the petitioner to open a joint account would cause substantial inconvenience, as the petitioner would face hurdles in withdrawing the rent amount deposited by the tenant, and would be compelled to approach respondent Nos.2 and 3 on each occasion for the same.

Therefore, learned counsel for the petitioner contends that the present petition be allowed and the impugned orders be set aside.

5. I have heard learned counsel for the petitioner and perused the whole case with his able assistance.

6. A perusal of the record reveals that vide order dated 08.07.2025, the learned Rent Controller, Gurdaspur, directed the petitioner and respondent Nos.2 and 3, being co-landlords, to open a joint bank account for



the purpose of receiving the rent from tenant-respondent No.1 in a consolidated manner. Relevant portion of the same is reproduced as under:-

“Perusal of the file reveals that the case was filed by Jaswant (Peru kaur on 04/12/2018, in which the application for provisional assessment of rent was decided on 30/05/2019 in which Rama Devi was directed to pay Rs 64,720 while assessing the monthly rent as Rs 1500 per month. Further it has come on record that the above stated amount was paid as per record on 28/08/2019 and on the same day the issues were framed. On 16/10/2019, it has come on record that Rama Devi has paid Rs 7500 to applicant Jaswant Kaur. On 25/09/2023, application under order 1 rule 10 was allowed and Nirmal Singh and Palwinder Kaur were allowed to be parties. From there the issue pertaining to this application for re-assessment of rent started. Since it has sufficiently come on record that Jaswant kaur, Nirmal Singh and Palwinder Kaur are co-owners in the shop marked as ABCD as shown in the site plan. And this has come from the pleadings of the present applicant Jaswant kaur as stated in the order dated 25/09/2023. Thus the court is satisfied that being landlord, all three applicants are entitled to the amount of rent. However in order to make it convenient for the tenant to submit the amount of rent. Jaswant kaur, Nirmal Singh and Palwinder Kaur are directed to have a common bank account and same be placed on record in this case so that tenant could furnish the amount of rent to all three claimants, who are entitled to the same being landlords in the suit property. The amount of rent assessed in the earlier order dated 30.05.2019 stands continue.”

7. Further, learned counsel for the petitioner made an oral request before learned Rent Controller, Gurdaspur regarding the difficulty, but still,



learned Rent Controller, Gurdaspur on 29.07.2025 passed the following order:-

“Ld. Counsel for respondent informed the Court that the previous order of this Court dated 08.07.2025 has not been complied with by the applicants. One of the applicant came present in court and stated that they want to challenge this order before the appellate court, however, they are not willing to comply with this order. Considering the conduct of the party so present in Court from applicants, for non-compliance of order dated 08.07.2025 applicants namely Jaswant Kaur, Nirmal Singh and Palwinder Kaur are imposed cost of Rs.1000/- each to be deposited to DLSA Gurdaspur.

Now to come upon 07.08.2025 for compliance of order dated 08.07.2025 and for final arguments if any.”

Thereafter, the matter was adjourned to 07.08.2025.

8. Further, learned Civil Judge (Jr. Division), on 07.08.2025 passed the following order:-

“Nirmal Singh and Palwinder Kaur paid the imposed cost as per order dt. 29.07.2025 and request for adjournment to comply with the order dt. 28.07.2025.

Jaswinder Kaur fail to come present and fail to comply with the terms of the order dt. 28.07.2025. A further exemplary cost of Rs.5000/- along with previous cost of Rs. 1000/- imposed on Jaswinder Kaur with clear direction that failing to comply with order will result in contempt reference against Jaswinder Kaur to Hon'ble High Court.”

9. Thereafter, the matter was adjourned to 11.08.2025 and the following order was passed:-

Nirmal Singh and Palwinder Kaur placed on record a copy of joint account so opened in Axis Bank. Copy supplied to the respondent.



Jaswinder Kaur again failed to come present and again failed to comply with the terms of the order dt. 28.07.2025. A further exemplary cost of Rs. 5000/- (5000+1000 previous cost) with clear condition of it is a last opportunity. Total cost is Rs.11000 which is imposed on Jaswinder Kaur with clear direction that failing to comply with order will result in contempt reference against Jaswinder Kaur to Hon'ble High Court.

10. At the very outset, Court is of the considered opinion that once there is a dispute and litigations pending between the co-landowners, the Court cannot force them to open a joint bank account just for the convenience of tenant. In addition to this, the counsel for the petitioner made numerous requests regarding the difficulty of the opening of joint bank account with respondent Nos.2 & 3, the learned Rent Controller, Gurdaspur should not have forced the petitioner to open joint bank account with respondent Nos.2 & 3.

11. Further, even after knowing about the difficulty of the petitioner, further imposition of cost to pressurize the petitioner to deposit cost for non-compliance of the order whereby, she was forced to open joint account with respondent Nos.2 & 3 is apparently against law.

12. As a sequel to the above discussion, this Court finds that learned trial Court could not force the petitioner to open joint bank account with the persons, with whom there is a strained relationship and multiple litigations are going on. This kind of orders are not expected from the Courts, specially, when the fact of admist hostile relations are brought to its notice.



13. In view of the above, orders dated 08.07.2025, 29.07.2025, 07.08.2025 and 11.08.2025 are set aside to the extent of forcing the petitioner to open joint bank account with respondent Nos.2 & 3 and imposing cost on this ground which is totally illegal and not sustainable in the eyes of law.

14. The matter is remanded to the learned Rent Controller, Gurdaspur with further directed to modify its order dated 08.07.2025 to the extent of forcing the petitioner to open joint bank account with respondent Nos.2 & 3 despite the fact that they are having strained relationship and also multiple litigations are going on between the parties.

August 20th, 2025

Sahil

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No