

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 1217 of 2015
Date of Decision: 14.07.2015.

Suresh Kumar

.....Petitioner

Versus

Rakesh Khurania

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. A.P.Bhandari, Advocate
for the petitioner.

Mr. Rajinder Singla, Advocate
for the respondent.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 6.1.2015.

Learned counsel for the petitioner has submitted that during the pendency of the petition, one of the shops owned by the landlord had been vacated. The said fact was very necessary to be brought on record by way of amendment of the written statement.

Learned counsel for the respondent, on the other hand, has opposed the petition and has submitted that the fact now sought to be brought on record by the petitioner, was already in his knowledge when he led his evidence. In fact, the application for amendment of the written statement had been filed with a view to delay the trial.

In the present case, respondent has sought ejectment of the petitioner from the premises in question on the ground that he

required the shop in question for his own use and occupation. When the case was listed at arguments stage, petitioner moved the application for permission to amend the written statement. By way of amendment, petitioner wants to take up the plea that one of the adjoining shops, owned by the respondent, had been vacated during the pendency of the petition. It has transpired during the course of arguments that when the petitioner appeared in the witness box on 11.2.2014, he was aware of the fact that one of the adjoining shops had been vacated. Petitioner closed his evidence on 11.2.2014. The learned Rent Controller shall dispose of the trial on the basis of the evidence led before it.

In the facts and circumstances of the present case, the learned Trial Court rightly held that the application moved by the petitioner for permission to amend the written statement, was at a belated stage and was liable to be rejected.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

July 14, 2015
Gurpreet