

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 1450 of 2015

DATE OF DECISION : September 24, 2015

Vipan Kumar

..... PETITIONER(S)

VERSUS

Sh. Gulshan Kumar & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

**Present: Mr. V.K. Kaushal, Advocate, for the petitioner.
Mr. Anil Chawla, Advocate, for respondents No.1 to 3.**

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1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES

3. Whether the judgment should be reported in the digest? YES/NO

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ARUN PALLI, J. (Oral)

Vide order dated 04.02.2015, rendered by the Rent Controller, Amritsar, an application moved by the petitioner-tenant seeking amendment in the written statement has since been dismissed.

Vide proposed amendment, what the petitioner sought to plead was “That in fact the applicants/landlords are having one other shop which is under tenancy of one Surinder Singh

(Baba). In the said shop Surinder Singh (Baba) is doing the business of repair of Gas Stove, Folding bed etc. from the last 30-35 years and he is paying rent to the landlords but this fact was concealed by the landlords/applicants while filing the ejectment petition against the replying respondents.”

In response, the application was opposed, being wholly frivolous and since it was moved only with the purpose to delay the proceedings.

On an analysis of the matter in issue, the Rent Controller declined the prayer of the petitioner-tenant and concluded, as thus:-

“An application seeking amendment of rent petition has been hanging fire since last month seeking proposed amendment of another shop adjacent to the shop in dispute and which was occupied by some other tenant namely Surinder Singh Baba. Reply to said application was filed on 02.02.2015 negating the plea for seeking amendment on the ground that already more than one year has elapsed and tenant has filed false and frivolous application merely to cause further delay in the disposal of rent petition. Sh. IS Lakra Adv. has categorically cited the law contained in 2013(3) Law Herald SC 2297 as well as 2013(3) LH 2571, wherein court observed that proposed amendment at the fag end of litigation will definitely change the nature of petition and change the entire scenario by beginning the trial denovo and will lead to wastage of previous time of court. Hence, a prayer was made for dismissing the application for amendment. Heard, I am of the view that present application u/o 6 R 17 CPC is filed without any merits and same deserves to

be dismissed. Resultantly, proposed amendment sought by the tenant is declined and application u/o 6 R 17 CPC is dismissed. Matter be again listed for 9.2.2015 for cross examination of applicant witnesses.”

Concededly, the petitioner has cross-examined the respondents–landlord as regards the proposed amendment. Petitioner–tenant is yet to lead and conclude his evidence and, thus, he is at liberty to adduce appropriate evidence to prove that respondents–landlord had, indeed, concealed that the adjacent shop to the demised premises was in occupation of another tenant, namely, Surinder Singh Baba. In any event, even if the adjacent shop was owned by respondents No.1 to 3 but was in occupation and possession of another tenant, that would hardly be of any consequence, for the respondents–landlord are not in occupation of the said premises.

That being so, no interference is warranted in exercise of revisional jurisdiction under Section 15(5) of the East Punjab Urban Rent Restrict Act, 1949. Petition being devoid of merit is, accordingly, dismissed.

SEPTEMBER 24, 2015
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(ARUN PALLI)
JUDGE