

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 1848 of 2014 (O&M)

Date of decision: 28.8.2015

Sudarshan Kumar

....Petitioner

vs.

Nand Kishore and another

....Respondents

CORAM: - HON'BLE MR. JUSTICE ARUN PALLI

Present: - Mr. Anil Chawla, Advocate for the petitioner.

Mr. Sachin Sharma, Advocate for respondents

.....

Arun Palli, J (Oral)

CM No. 16688-CII of 2015

Allowed as prayed for.

CR No. 1848 of 2014

Vide the impugned order dated 30.1.2014, rendered by the learned Rent Controller, Amritsar, application moved by the petitioner-tenant seeking amendment in the written statement has since been rejected. This Court on 20.3.2014 while issuing notice of motion had passed the following orders: -

“Learned counsel for the petitioner has submitted that the petitioner by way of amendment only wants to incorporate the plea that the demised premises forms integral part of the residential building. In this regard

petitioner does not want to lead any further evidence as he had already led his evidence.

Notice of motion for 15.7.2014.

In the meantime, trial may continue but final order be not passed.”

Learned counsel for the petitioner reiterates that all what the petitioner wish to plead by way of proposed amendment is that the demised premises forms an integral part of the residential building.

That being so, learned counsel for respondent does not oppose the prayer but asserts that the amendment be granted subject to a suitable cost and the learned Rent Controller be directed to decide the matter within a specified time as the eviction petition was filed almost 5 years ago.

Accordingly, the order under challenge, dated 30.1.2014, is set aside. Proposed amendment as noticed above, is granted subject to payment of Rs. 10,000/- as cost, however, which shall be the condition precedent. However, it is clarified that the petitioner shall neither claim any issue in this regard nor would be entitled to adduce any evidence in this respect. Learned Rent Controller, Amritsar is requested to decide the eviction petition within a reasonable time, preferably within a period of six months.

Disposed of.

(Arun Palli)
Judge

28.8.2015
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