

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

CR No.2262 of 2015

Date of decision : April 28, 2015

Kulwinder Singh

..... Petitioner

Versus

Smt. Amarjit Kaur

..... Respondent

CORAM : HON'BLE MR.JUSTICE GURMIT RAM

1. To be referred to the Reporters or not? No / Yes
2. Whether the judgment should be reported in the Digest? No / Yes

Present : Mr. Deepak Nayar, Advocate,
for the petitioner

GURMIT RAM, J.

1. This revision petition has been filed by the petitioner (tenant) against the order dated 18.03.2015 passed by the learned Rent Controller, Amritsar vide which his application under Order 6 Rule 17, CPC, for amendment of the written statement was declined.

2. Brief facts are that an ejectment petition under Section 13 of the East Punjab Urban Rent Restriction Act 1949 (herein after to be referred as 'the Act') titled as Amarjit Kaur vs. Kulwinder Singh and another is pending before the learned Rent Controller, Amritsar. During the pendency of this petition, the petitioner (tenant) filed an application under Order 6 Rule 17, CPC, for amendment of the written statement. After getting reply

from the respondent (landlord) the learned Rent Controller dismissed this application vide impugned order dated 18.03.2015, which necessitated to file the instant revision petition.

3. Facts in brief as mentioned in the application under Order 6 Rule 17, CPC, are that the tenant/respondent has come to know during the pendency of the case that the applicant/landlord owns Hari Guest House situated between Shri Guru Ramdas Bazar and Mocha Bazaar near Chowk Ghanta Ghar, Amritsar consisting of furnished AC rooms. Besides, this she also owns eight shops on the ground floor of this Guest House which have been rented out to different tenants and earning sufficient income to the tune of ₹30,000/- per month. Besides this, she is also earning more than ₹1 lac from the said Guest House and hence was the instant application.

4. In reply the petitioner (landlord) took preliminary objections that this application is not maintainable being an abuse of process of law and that respondent/applicant is estopped to file this application by his own act and conduct. It is further her case that petitioner (landlord) is neither the owner of Hari Guest House nor she has any concern with the same. In this regard it is her plea that the alleged Hari Guest House is owned by Manjit Singh to whom Municipal Corporation had issued a notice under Section 269(1) of Municipal Corporation Act, 1976. It is further her case that she had already closed her evidence and that case is pending at the stage of evidence of the respondent. This application has been filed with an intention to delay the disposal of the case. Rest of the averments were also denied by the petitioner (landlord).

5. It is the case of the respondents/applicants that recently they have come to know that the petitioner (landlord) owns Hari Guest House

which consists of AC rooms and eight shops. She is earning ₹1 lac from Hari Guest House and ₹30,000/- per month from aforesaid shops which she has rented out to different tenants. But the respondents (tenants) did not bring on the record any evidence to show that the alleged premises of Hari Guest House is belonging to the petitioner (landlord). Even it is also not mentioned as to when they came to know about the aforesaid facts which they are claiming to be subsequent events. On the other hand as aforesaid the petitioner (landlord) has denied to be the owner of any Hari Guest House. However, it is her plea that same is owned by one Manjit Singh to whom the Municipal Corporation had issued a notice under Section 269 (1) of the Municipal Corporation Act, 1976. So there is nothing wrong in the impugned order, hence the revision petition stands dismissed and disposed of accordingly.

6. However, it is made clear that if the present petitioner (tenant) is sure that respondent/landlord is owning any property other than demised premises, then he can prove the same by leading evidence to that effect without seeking any amendment in the written statement.

April 28, 2015

Gaurav Sorot

**(GURMIT RAM)
JUDGE**