

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2310 of 2015

Date of Decision.06.04.2015

Mamta Nayyar

.....Petitioner

Versus

Pankaj Kumar

.....Respondent

Present: Ms. Rakhi Sharma, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The landlord, who had not made express averment regarding the fact that she did not own any other property, was trying to bring an amendment in the petition for eviction filed on several grounds including the ground of bona fide necessity. I would find the amendment to be in conformity with the requirement of law and it ought not to be taken as bringing a whole new case. I set aside the order dispensing with notice to the respondents to allow the amendment to be brought to the petition. The respondent will file an additional reply or amendment to the reply pointing out to any defects and consequence of the failure of the petitioner to state the facts relating to statutory requirements of pleadings. I have dispensed with notice to the respondent only in order to ensure that no time is wasted by serving notice and then only considering the issue of what is otherwise seen to be a cosmetic exercise.

2. The counsel for the petitioner says that the evidence has not even begun. If the petition was for eviction on several grounds including personal necessity and the petitioner was bringing only necessary ingredients of pleadings to conform to the legal requirement, I would not think that there could be any prejudice that can be canvassed by the respondent. I, however, grant liberty to the respondent to approach this Court for modification or recall of this order if there is any non-disclosure or willful suppression of material facts.

3. The impugned order is set aside and the civil revision is allowed.

(K. KANNAN)
JUDGE

April 06, 2015
Pankaj*