

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

CR No.2356 of 2015(O&M)

Date of Decision : 20.7.2015

S. Raghbir Singh

.....Petitioner

Versus

S.Jit Singh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE GURMIT RAM

Present: Mr. Sharad Mehra, Advocate for the petitioner.

GURMIT RAM, J.

This revision petition has been preferred at the instance of petitioner-herein (tenant) against the order dated 10.3.2015 (Annexure P-1) passed by the learned Rent Controller, Tarn Taran vide which his application under Order 6 Rule 17, CPC, for amendment of written statement has been declined.

2. The facts in brief which are relevant for the disposal of this revision are that the respondent-herein (landlord) has filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short—*the Act*) for the ejectment of the petitioner-herein (tenant) from the demised premises which is now pending before the learned Rent Controller, Tarn Taran. During the pendency of this petition, the tenant filed an application under Order 6 Rule 17, CPC, for amendment of written statement on the ground that now he has come to know that a shop having front 9 feet x 3 inches and length 24 feet has been purchased

by Navdeep Singh son of Kanwardeep Singh son of Jit Singh and Binaydeep Singh son of Anjandee Singh son of Jit Singh, situated in the area of Mohalla Bhag Singh, Tarn Taran vide sale deed dated 8.11.2013. This purchase of the shop by Navdeep Singh and Binaydeep Singh is a subsequent event and as such the Court has to take note of this subsequent event while adjudicating the main controversy between the parties, which necessitated to file the instant application.

3. Reply to the said application was filed. The learned Rent Controller after hearing the learned counsel for both the parties declined this application vide the impugned order dated 10.3.2015 (Annexure P-1).

4. The tenant being not satisfied with this order has come up in the instant revision petition before this Court.

5. Counsel for the petitioner-herein (tenant) was heard and record as available on the file was also perused.

6. The main grouse of the counsel for the petitioner is that purchase of a shop by said Navdeep Singh and Binaydeep Singh during pendency of the instant petition has a direct bearing on the merits of this case and as such the application filed for amendment of written statement was to be allowed, but the learned Rent Controller has declined the same vide the impugned order which is stated to be illegal, null and void as well as against the facts. Further he has prayed that the impugned order be set aside by accepting this revision petition with a further prayer to allow the application filed by the petitioner-herein (tenant) for amendment of written statement.

7. As per the record, petitioner Jit Singh has filed the ejectment petition in question for the eviction of tenant Raghbir Singh from the shop described in this petition on the ground of his own personal use and occupation and also for use and occupation of his son Anjandeep Singh. The shop on the basis of which the petitioner-tenant has been seeking permission to amend his written statement as above-said has been purchased by Navdeep Singh and Binaydeep Singh sons of Kanwardeep Singh and Anjandeep Singh, respectively. They have purchased a shop for running their own business. So the purchase of the shop by them is having no bearing on the merits of this case. In the case in hand, the respondent-herein (landlord) Jit Singh has sought the ejectment of the petitioner-herein (tenant) from the demised shop on the plea that the same is required by him for his own use and occupation as well as for use and occupation of his son Anjandeep Singh. So there is nothing wrong in the impugned order. No doubt the law regarding amendment of pleadings in respect of written statement is liberal but the Court concerned is to see at the time of deciding such like application as to whether the amendment which is sought to be made has any concern with the matter in issue or the same has been filed with a malafide intention to delay the proceedings in question.

8. In view of the above discussion, this revision petition stands dismissed and disposed of accordingly with the observation that nothing said hereinabove will have any effect on the merits of the main case, now stated to be pending before the learned Rent Controller.

Since the main revision petition has been disposed of,

the miscellaneous application, if any, also stands automatically disposed of having been rendered infructuous.

20.7.2015
Brij

(GURMIT RAM)
JUDGE

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