

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

CR No.2596 of 2015

Date of decision : April 20, 2015

Sawinder Singh

..... Petitioners

Versus

Jagmohan Singh and another

..... Respondents

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. Divanshu Jain, Advocate,
for the petitioner.

GURMIT RAM, J.

1. This revision petition is preferred by the petitioner (tenant) against the order dated 16.03.2015 passed by the learned Appellate Authority, Patiala vide which the application of the petitioner (tenant) under Order 6 Rule 17, CPC, has been dismissed.

2. Against the eviction order dated 29.10.2014 passed by the learned Rent Controller, Patiala, the appeal is pending before the learned Appellate Authority, Patiala. During the pendency of this appeal, the petitioner (tenant) filed an application under Order 6 Rule 17, CPC, for amendment of written statement. The amendments in the written statement

which the petitioner (tenant) wants to make are that they want to add as further objections after para No.7 on merits as under:-

That the petitioners, Surinder Mohan Singh son of Sh. Jagmohan Singh, petitioner No.1 and Rattan Deep Singh son of Sh. Harmohan Singh, petitioner No.2 and their respective families are residing in one house bearing No.38-A, Sheranwala Gate, Patiala and they constitute joint hindu family being joint in mess, residence and income.

3. They own and possess joint hindu family properties in addition to other properties detailed as below:-

i. Double storeyed big show-room having frontage of about 16' and the total area of this building is 83 sq. yards bearing No.-B42/414=3060/1 situated in Dharampura Bazar, Patiala admittedly jointly owned by Surinder Mohan Singh son of Sh.Jagmohan Singh petitioner No.1 and Rattandeep Singh son of Sh.Harmohan Singh, petitioner No.2 having been purchased by them vide sale deeds dated: 04.01.2010 and came into their possession on 25.11.2010, after vacation by Gurmeet Singh, tenant against whom ejectment petition dated 22.02.2010 was filed on the ground of personal necessity.

ii. Shop No.83-A, press road, Patiala measuring 12'X8' which is also in possession of Surinder Mohan Singh son of Sh.Jagmohan Singh, petitioner No.1 having been got vacated by virtue of ex parte ejectment order dated 06.10.2010.

iii. Three shops bearing No.1785, 1786 and 1787/2 situated at Adalat Bazar, Patiala consisting of two floors.

iv. Big showroom, which is triple storeyed bearing

No.3023/1 and 3023-A/1 also bearing property No.296, 297 and 297-A measuring 16'-9" X 20'-9" in addition to the staircase situated at Anardana Chowk, Patiala.

4. Then, reference is also made to the *Chaubara* on the shop in dispute, which is stated to be lying vacant and a non-residential premises.

5. In reply, the petitioners/respondents took preliminary objections that this application is filed to delay the proceedings of the case. It is admitted that petitioners, Surinder Mohan, Rattandeep Singh and their respective families are residing at house No.38-A, Sheran Wala Gate, Patiala. But anyhow it is denied by them that they constitute any joint hindu family being joint in mess, residence and income. It is also denied that they own and possess any Joint Hindu Family property in addition to other properties, as alleged.

6. The learned Appellate Authority after hearing learned counsel for both the parties, dismissed the application vide the impugned order.

7. Feeling aggrieved from this order the petitioner has come up in the instant revision petition.

8. It is admitted fact that petitioner (tenant) had earlier filed such like application before the learned Rent Controller which was dismissed vide order dated 17.08.2012. No appeal or revision was filed against this order. Then it is also found recorded in the impugned order that the learned Rent Controller had observed that if certain other properties exist in the name of the petitioners, then respondents can give proof of the same by leading evidence at the relevant time. So, this revision petition is held to be meritless and hence it stands dismissed and disposed of with the

observations that in case the present petitioner (tenant) raises the pleas before the learned Appellate Authority on the basis of reliable evidence at the time of arguments, as he has taken in the instant application, then in that eventuality, the learned Appellate Authority is directed to consider the same as per the law.

April 20, 2015
Gaurav Sorot

**(GURMIT RAM)
JUDGE**