

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

CR No.3141 of 2015

Date of decision: May 11, 2015.

Rakesh Kumar

... **Petitioner**

v.

Krishnawanti

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present: Shri Namit Gautam, Advocate, for the petitioner.

Dr. Bharat Bhushan Parsoon, J. (Oral):

Dismissal of application for amendment of reply by the tenant in a rent petition against him vide order dated 18.3.2015 forms genesis of this revision petition.

2. It is claimed that when event subsequent to the filing of the petition as also of the written statement are to be incorporated in the written statement, the tenant should not have been refused amendment of the written statement to bring in correct and elaborate facts on record which are necessary.

3. It is claimed that premises are sought to be vacated on the ground inter-alia that grandson Amandeep Singh of the landlord was to start business of computers. But, now he has joined service, particulars of which have been given in detail, the necessity has ceased to exist. It is thus urged that unless and until the amendment is allowed, the evidence would not be feasible to sustain this plea and he would be a loser.

4. Perusal of the paper book during the course of arguments has

revealed that the amendment sought to the reply is not even required. Pleadings are to contain essential facts and not the evidence required to prove those averments in the pleadings. Once the ground of personal necessity of the landlord is being questioned right from the very beginning by the tenant who is seeking to defeat the petition of the landlord on many scores, only essential facts were required to be mentioned in the pleadings and discussion of evidence is not required. Even basic law of pleadings is that essential facts and not the evidence is to be pleaded.

5. It would be of relevance to mention that the court itself has given permission to the tenant-petitioner to produce relevance evidence. Following observations of the Rent Controller are apt and relevant:-

“Even otherwise also, the evidence of the respondent has not been closed till date and the respondent can bring the aforesaid facts on record by way of evidence which will be considered and adjudicated as per law.”

6. In view of the well written order, there is no ground to interfere. Dismissed.

May 11, 2015.
kadyan

[Dr. Bharat Bhushan Parsoon]
Judge