

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

**CR No.3464 of 2015 (O&M)
Date of decision: 29.10.2015**

Satwinder Singh

..... Petitioner

Versus

Devinder Kaur Sidhu and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Parminder Singh, Advocate for the petitioner.

Mr. Anmol, Partap Singh Mann, Advocate
for respondents No.1 and 2.

ARUN PALLI, J. (Oral)

Vide order being assailed dated 10.04.2015 (Annexure P-7), rendered by the Rent Controller, Chandigarh, application moved by the petitioner/tenant, under Order 6 Rule 17 of the Code of Civil Procedure, seeking amendment in the written statement had since been dismissed. The conclusion arrived at by the Rent Controller reads as thus:-

“I have heard counsel for the parties and have gone through the judicial file. It has already been mentioned by the petitioner in the present petition that he needs the entire ground floor for setting up his dental hospital for which he has to install machines and set up operation theater/laboratories and wants a big hall as waiting room for patients and separate cabins for the staff

like doctors, recovery room, receptionist, clerk/computer operator etc. and basement for the purpose of storage. Therefore, the vacation of half ground floor by any tenant as specified in the present amendment application has no bearing on the merits of the present petition. Therefore the present application is hereby dismissed. However the respondent is at liberty to prove the bearing vacation of other parts of the demised premises on the merits of present rent petition by way of leading cogent evidence in his respondent evidence. Now, to come upon 13.05.2015 for respondent evidence”.

Vide a proposed amendment, all what is sought to be urged by the tenant-petitioner is that during the pendency of the eviction petition ground floor of the adjoining premises i.e. SCO No.2919, Sector 22-C, Chandigarh, has since fallen vacant. And even earlier the respondents-landlord had filed an eviction petition against the petitioner in the year 1998, on account of personal necessity, which was dismissed as withdrawn, therefore, the present eviction petition was barred in law.

Having argued the matter at some length, learned counsel for the parties are *ad idem* that, for the matter, before the Rent Controller is still at the stage of recording evidence of the petitioner-tenant, he (tenant) shall be at liberty to lead appropriate evidence even as regards the proposed amendment. And if so, the same shall be considered by the Rent Controller, while drawing a final analysis of the matter in issue along with the other

evidence on record. Accordingly, it is submitted that let the petition be disposed of with these observation.

Ordered accordingly.

As the eviction petition is pending since 2011, it is deemed appropriate to request the Rent Controller to decide the same within a period of three months from today.

October 29, 2015

Manoj Bhutani

**(ARUN PALLI)
JUDGE**