

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

CR No.4510 of 2015

Date of decision : July 21, 2015

Ashok Kumar

..... Petitioner

Versus

Rakesh Kumar

..... Respondent

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. Aakash Singla, Advocate,
for the petitioner.

GURMIT RAM, J.

1. This revision petition is preferred by the tenant against the order dated 30.04.2015 passed by the learned Rent Controller, Samana vide which the application under Order 6 Rule 17, CPC, filed by the respondent herein (landlord) for the amendment of the petition has been accepted.

2. Brief facts which are held to be relevant for adjudicating the matter in issue are that the respondent-herein (hereinafter to be referred as landlord) has filed petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (in short "the Act") for the eviction of the tenant from the demised premises. Another ejectment petition titled as *Krishna Devi vs. Data Ram* with regard to adjoining premises was also filed, which is stated

to be pending before the learned Rent Controller. In that other case, the said Data Ram took an objection in his written statement/reply that eviction petition is liable to be dismissed due to non-disclosure of other similar premises in the area. Apprehending a similar objection, in the instant petition, landlord had moved the instant application under Order 6 Rule 17 CPC for amendment of the petition which has wrongly been allowed by the learned Rent Controller vide the impugned order (Annexure P-3) dated 30.04.2015.

3. Feeling aggrieved from this order the tenant has come up before this Court by way of instant revision petition.

Learned counsel for the petitioner was heard.

4. As per the record, the amendment which the landlord sought in the petition was that he wants to delete the word “*own and*” in the first line of para No.6 of the petition. Further he also wants to add word “vacant” before the word shop of second line of para No.6 of the petition. This application was contested by the respondent (tenant). From the perusal of the impugned order, it is found that the case is at the initial stage and its trial is yet to begin. So as such, no prejudice is likely to be caused to the tenant by passing of the impugned order, because he has been granted opportunity to file his amended written statement to put forth his case with regard to the amended pleadings as taken by the landlord vide the instant amendment application. There is nothing wrong in the impugned order as the case is at initial stage. Both the parties are to be given opportunity to bring on record their respective pleadings in detail as permissible under law, so that they could make out their respective claims properly and further to lead their evidence in accordance thereof.

5. So keeping in view the aforesaid observation, this revision petition stands dismissed and disposed of accordingly.

Nothing observed herein will have any effect on the merits of main case stated to be pending before the learned Rent Controller.

July 21, 2015
Gaurav Sorot

(GURMIT RAM)
JUDGE