

237

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

CR No.4398 of 2014

Date of decision: March 03, 2015

M/s Oriental Insurance Company Limited

.....Petitioner

Versus

Virender Sharma and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. D.C. Mittal, Advocate
for the petitioner.

Mr. I.K. Mehta, Senior Advocate with
Mr. M.K. Dogra, Advocate
for the respondents.

SABINA, J

Petitioner has filed this petition challenging the order dated 15.04.2014, whereby application moved by the petitioner under Order 6 Rule 17 of Civil Procedure Code, 1908 ('CPC' for short) for permission to amend the written statement, was dismissed.

Learned counsel for the petitioner has submitted that amendment sought to be effected in the written statement, was very necessary for the just decision of the case. By way of amendment, petitioner wants to bring on record subsequent events. Learned counsel has further submitted that during the pendency of the ejectment petition, second, third and fourth floor of the demised premises had been vacated by the tenant-Income Tax Department. In fact,

ground floor and basement have also been got vacated from the tenant-Institute of Technology and Future Management Trends. Now the basement has been let out to Rajesh Mahajan and others.

Learned Senior counsel for the respondents, on the other hand, has opposed the petition and has submitted that the respondents have not let out the basement and ground floor of the premises in question to Rajesh Mahajan and others. Rather the possession of the basement as well as ground floor was with the respondents. The respondents require the entire premises for their own personal use and occupation.

In the present case, respondents have sought ejectment of the petitioner on three grounds. First ground is that the petitioner had made structural changes in the premises in question without the consent of the respondents. The second ground for claiming the ejectment was that the premises in question was required by the petitioner for their own personal use and occupation. Third ground set forth by the respondents seeking ejectment of the petitioner was that they were in arrears of rent.

Now, the parties have concluded their evidence and case is listed before the Rent Controller for rebuttal and arguments. At this stage, petitioner moved an application for permission to amend the written statement. The Rent

Controller rightly dismissed the application moved by the petitioner as it was moved at a belated stage. Further, the fact that the basement, ground, second, third and fourth floor of the premises in question have been vacated by the tenants is in itself is no ground for allowing the application moved by the petitioner under Order 6 Rule 17 CPC. It is the case of the respondents that they require the entire premises in question for their own use and occupation. It also transpired during the course of arguments that so far as vacation of second, third and fourth floor of the premises in dispute, is concerned, relevant questions were put to the witnesses during their cross-examination. Respondents have denied the fact that they have let out the basement and ground floor of the premises in question to any person.

Hence, impugned order dated 15.04.2014 calls for no interference.

Dismissed.

**(SABINA)
JUDGE**

March 03, 2015

m.singh