

270

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

CR-6917-2015 (O&M)
Date of decision : 07.12.2015

Vijay Kumar Jain

...Petitioner

Versus

Dilbagh Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. K.S. Khehar, Advocate
for the petitioner.

Mr. G.S. Dhaliwal, Advocate
for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI, J. (ORAL)

Vide order, dated 22.09.2015, rendered by the Rent Controller, Ludhiana, application moved by the petitioner, under Order 6 Rule 17 of the Code of Civil Procedure, seeking amendment in the written statement, had since been dismissed.

Concededly, one of the grounds on which the eviction of the tenant-petitioner is being claimed, is the personal bona fide need of the landlord i.e. Dilbagh Singh as also his son Prabhjit Singh. Indisputably, Dilbagh Singh vide sale deed dated 30.10.1991, had sold four shops, situated in the same local urban area, to his daughter-in-law i.e. Jasleen Kaur, wife of Prabhjit Singh. All what is sought to be urged vide a proposed amendment is that during the pendency of the eviction

petition, even Jasleen Kaur, had sold two of the four shops, vide sale deeds dated 11.08.2011 and 27.08.2014. And this impacts the alleged need/requirement of the landlord, for on the one hand the ejectment is being claimed for the personal bona fide need of the husband of Jasleen Kaur i.e. Prabhjit Singh, whereas she herself had sold two shops, during pendency of the proceedings.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that as the sale of four shops by Dilbagh Singh in favour of his daughter-in-law Jasleen Kaur, and sale of two of those shops by Jasleen Kaur, during pendency of the eviction petition, is not disputed and rather the sale deeds executed by her form part of the record, let this aspect, be taken into consideration by the Rent Controller. For, no formal amendment is required in the written statement.

That being so, and without examining the matter on merits, the revision petition is disposed of with a direction to the Rent Controller, Ludhiana that the fact as regards the sale of two shops by Jasleen Kaur, vide sale deeds dated 11.08.2011 and 27.08.2014, shall be taken into account while evaluating the alleged need/requirement of the landlord, in accordance with law, while drawing a final analysis of the matter, at the stage of arguments.

07.12.2015
yogesh

(ARUN PALLI)
JUDGE