

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

Civil Revision No.7489 OF 2013 (O&M)

Date of Decision: January 15, 2015.

Ram Bati

.....PETITIONER(s).

VERSUS

Renu and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Arora, Advocate
for the petitioner (s).

Mr. Rajiv Sharma, Advocate
for respondent No.1.

SURINDER GUPTA, J.

This revision petition has been filed challenging the order dated 12.11.2013 whereby Rent Controller, Gurgaon allowed the amendment application of the respondent-landlord to correct the number of property in dispute from 353/15 (old) and 760/8(new) to 354/15 (old) and 759/8(new).

Landlady-respondent No.1 filed a petition for ejectment of revision petitioner and proforma respondents No.12 to 15 from the tenanted premises, Municipal number of which was mentioned in the petition as 353/15 (old) and 760/8(new).

Revision petitioner-tenant took the plea in the written reply that number of the premises under his tenancy was 354/15 and not 353/15. The proceedings continued and it was at the fag end of the case that the landlady-respondent No.1 moved the application to rectify the mistake which was allowed.

Learned counsel for the revision petitioner has argued that respondent No.1 had come to the Court seeking ejectment of the premises bearing No.353/15 (old) and 760/8 (new) situated in Jacobpura, Gurgaon. The entire evidence was led with regard to the property bearing No.353/15 (old). By changing the Municipal number of the demised premises, the entire evidence already led by the parties shall become irrelevant. In support of his contention, he has referred the statement of witnesses examined by landlady-respondent No.1, who have deposed with regard to the premises bearing No.353/15 (old).

It is not disputed that revision petitioner is a tenant in the premises of landlady-respondent. Amendment was allowed only to rectify the number of the demised premises under the tenancy of revision petitioner. The relevance of the evidence already led by the parties is a matter to be seen by the Rent Controller on merits. However, allowing of the amendment has not caused any prejudice to the revision petitioner, who himself has taken the plea that premises under his tenancy are bearing No.354/15 (old) and not 759/8 (new).

No doubt, there is delay in seeking the amendment but it has

caused no prejudice to the revision petitioner, rather it is the landlady-respondent No.1, who will suffer for this delay. The allowing of the amendment will rather save further litigation as in the event of not allowing the rectification of the mistake, the landlady-respondent No.1 will be at liberty to file another petition. Learned Rent Controller has rightly observed that proposed amendment is necessary to settle the real controversy between the parties.

I find no legal or factual infirmity in the order passed by the Rent Controller calling for any interference.

This revision petition has no merits. Dismissed.

January 15, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE