

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

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**Civil Revision No.7673 of 2015
Date of Decision:18.11.2015**

Pritam Lal

....petitioner

Versus

Surender Sharma @ Surrender Singh and anotherrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.A.K.Singal, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Vide order being assailed dated 30.10.2015, rendered by Rent Controller, Sonipat, application moved by the petitioner-tenant under Order 6 Rule 17 CPC for amendment of the written statement has since been dismissed. The reasons that have been recorded in support of its order read as thus:

“In the present case, petitioner has filed the eviction petition under Section 13 of the Urban Control of Rent and Eviction Act, 1973. Now, applicant wants to incorporate some facts which were left to incorporate at the time of filing of written statement. In nutshell, respondent no.1 want to insert that there is no landlord-tenant relationship between the parties and respondent no.1 never paid any rent to the petitioner. Perusal of written statement filed by respondent no.1 would go to show that he has admitted the factum of 'tenancy' and 'rent' vide rent note dated 05.10.1984 as a matter of record. Moreover, facts alleged to be inserted through proposed amendment are not new facts which

took birth after the filing of petition and respondent no.1 was fully aware at the initial stage. How it can be possible that respondent no.1 was not aware about his landlord at the time of filing of written statement. Moreover, at the time of settlement of issue vide order dated 04.08.2014 issue qua non maintainability of the petition has already been framed and respondent no.1 can lead evidence to prove this issue. It seems that when case is at the verge of its completion, respondent no.1 has filed this application to delay the trial. So, this court is of the considered view that no purpose would be served by allowing the respondent no.1 for making amendment in written statement rather proposed amendments would change the nature of the petition entirely.”

Vide proposed amendment, tenant-petitioner intends to deny the very relationship of landlord and tenant between the parties, whereas, the order under challenge reveals; ***“perusal of written statement filed by respondent No.1 would go to show that he has admitted the factum of 'tenancy' and 'rent' vide rent note dated 05.10.1984 as a matter of record.”*** In any case, learned Rent Controller observed ***“moreover, at the time of settlement of issue vide order dated 04.08.2014 issue qua non maintainability of the petition has already been framed and respondent No.1 can lead evidence to prove this issue.”***

That being so, no interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition being devoid of merit is accordingly dismissed.

18.11.2015

(ARUN PALLI)
JUDGE