

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7381 of 2014 (O&M)
Date of decision: 8.12.2015

Mohinder Singh

..... Petitioner

Versus

Jawand Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

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

Present : Mr. M.S.Dua, Advocate for
Mr. H.S.Kathpal, Advocate for the petitioner.

Mr. C.L.Verma, Advocate for the respondent.

ARUN PALLI, J. (Oral)

Vide order being assailed dated 23.08.2014, rendered by the Rent Controller, Ludhiana, application moved by the tenant-petitioner, seeking amendment in his written statement had since been dismissed.

Concededly, ejectment of the tenant was sought on account of personal *bona fide* need of the landlord as he required the premises to set-up a business for his grand son namely Simranjit Singh. The landlord disclosed in the eviction petition that another shop, owned by him, was in occupation of his son Harjit Singh, who was doing cloth business in the rented shop under the name and style "M/s. Harjit Cloth House". And vide a proposed amendment all what has sought to be urged by the tenant is that

son of the landlord had since vacated the said shop and the same has been re-let by the landlord to some other person to do business of artificial jewellery. Thus, the alleged need of the landlord is not conceived in good faith. In response, it was maintained by the landlord that neither his son Harjit Singh had vacated the said shop nor that has been re-let to any other person. In fact, Harjit Singh has also started the business of artificial jewellery along with his existing business.

Ex facie, what is sought to be urged vide a proposed amendment is an event or an instance which purport to have occurred during the pendency of the eviction petition and is in the nature of an evidence. Concededly, the matter before the Rent Controller is at the stage of the recording tenant's evidence. Meaning thereby, he is always at liberty to adduce appropriate evidence and prove what he seeks to plead by a proposed amendment. Needless to assert, once any such evidence is brought on record, the Rent Controller shall evaluate the same while drawing the final analysis of the matter at the stage of arguments.

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.

December 8, 2015

Manoj Bhutani

**(ARUN PALLI)
JUDGE**