

CR-7683-2013 (O&M)

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

CR-7683-2013 (O&M).

Decided on: May 20, 2015.

Naveen Johar

..... Petitioner(s)

Versus

Nisha

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Jatinder Singla, Advocate,
for the petitioner.**

**Mr.Aman Bansal, Advocate,
for the respondent.**

M.M.S. BEDI, J (ORAL).

At the stage, when the ejectment application filed by the respondent- landlady was fixed for assessment of provisional rent, an application for amendment of the ejectment petition was allowed by the Rent Controller, permitting the respondent-landlady to substitute the name of Mohit Garg son of Vijay Kumar in her own place on the ground for personal necessity showing that he is the son of the landlady- petitioner. The Rent Controller considered the amendment to be of formal nature not changing the nature of the ejectment petition, in any manner. The amendment having been allowed, the tenant- petitioner has approached this Court for setting aside of the order allowing amendment of the ejectment petition.

Counsel for the petitioner has vehemently contended that in the original ejectment petition in para 3, sub para

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2, the landlord Nisha, wife of Vijay Kumar had pleaded that the shop in dispute was required for herself as her son Mohit was doing graduation in an institute and that now by incorporating the requirement of Mohit, the nature of the ejectment petition would be changed. I do not find any force in the contention of counsel for the petitioner. In ejectment petition for personal necessity filed by the landlady, the said need is not limited to the landlady but it is extended to her son or any other relative regarding which there is no prohibition in law. The amendment having been sought at initial stage without causing any prejudice to the tenant- petitioner, no ground is made out for interference.

The amendment will rather permit the Rent Controller to arrive at just conclusion and finally adjudicate the controversy involved in the case.

The petition is dismissed.

May 20, 2015.
rka

(M.M.S. BEDI)
JUDGE