

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

Civil Revision No.8219 of 2014 (O&M)

Date of decision: 23.03.2015

Harjit Singh son of Shri Kartar Singh Grover, resident of 509/43-B,
Sham Nagar, Ludhiana.

... Petitioner

versus

Dharminder Kumar son of Shri Khushi Ram, resident of B-XVII-457
(Old) and 76 (New), Ashok Nagar, Ludhiana.

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vishal Aggarwal, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, Advocate,
for the respondent.

K. Kannan, J. (Oral)

1. The landlord, who sought for ejectment on personal necessity, lost out on a technical plea that he did not expressly state in the petition that he did not own any other property nor did he vacate any property without justifiable cause. At the appellate court, he brought for amendment expressly stating that he did not own any other property nor he did not vacate without justifiable ground. This amendment was ordered. The appellate court was also remanding to the trial Court for fresh evidence.

2. The tenant is the revision petitioner aggrieved by a direction to let in further evidence. He says that he cannot be

allowed to fill up the lacuna. I accede to his plea that there shall be no further scope for evidence and the amendment that was brought about must be taken as the case of the plaintiff and if at all, only the tenant will have a right to give any evidence, if he chooses to do so that the landlord owns any other building. So long as he does not take up such a plea and his only objection was that the lack of pleading regarding the non-availability of any other building, I do not think there was any justification for the appellate authority to remand the matter.

3. Even while upholding the amendment, I set aside the direction for a remand and direct the appellate authority to dispose of the appeal in accordance with law, subject to the observations made above.

4. The revision petition is disposed of as above.

(K.KANNAN)
JUDGE

23.03.2015
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