

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CM-3607-CII of 2015 in/and
Civil Revision No. 866 of 2015 (O&M)
Date of decision : February 25, 2015

M/s Jai Ram Singh Sarangat Singh

... Petitioner

vs.

Gulab Devi Memorial Hospital Trust

... Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.P.S. Sandhu, Advocate
for the petitioner.

Surinder Gupta, J

CM-3607-CII-2015

Heard.

For the reasons mentioned in the application, the same is allowed.

Let the main case be taken up for hearing today itself.

CR-866 of 2015 (O&M)

The respondent filed petition under Section 13 of East Punjab Urban Rent Restriction Act, 1949 on 28.5.2005. After protracted trial, the same was decided in favour of the landlord vide order of the learned Rent Controller, Amritsar dated 18.9.2012. The revision petitioner filed appeal before the Appellate Authority, which is pending.

During the pendency of appeal, revision petitioner moved application seeking amendment of the written statement to introduce the plea that the applicant has not pleaded the ingredients of Section 13 of the Act; the demised premises is a separate unit and is not a part and parcel of main building, as such, perfectly fit and safe for human habitation and no hospital can be allowed to be constructed on the property which is situated inside the interior part of the city where it is difficult to travel even on two wheeler.

The ejectment of the revision petitioner was sought on the ground of non payment of rent, a plea which was decided in favour of revision petitioner; the demised premises is not fit and safe for human

habitation and that it is required by the applicant for his own use and occupation. Learned Rent Controller returned the finding that the building is unfit and unsafe for human habitation and the demised premises is required by the landlord which is a charitable trust and running hospital in Jalandhar and now wants to start hospital at Amritsar in the disputed property.

Learned counsel for the revision petitioner has argued that the amendment sought by the applicant are material for just decision of the case. This amendment as to whether the respondent has pleaded the ingredients of Section 13 of the Act is purely legal and if allowed will require no further evidence. Regarding the condition of the building, the evidence is already on record and the revision petitioner wants to take the plea that the demised premises is not part of the main building.

The parties have been litigating for the last 10 years. Neither of the amendment sought by the applicant is such which was not in his personal knowledge. Learned counsel for the revision petitioner could not make out that despite due diligence, the revision petitioner could not take the plea which he now seeks to introduce by way of amendment. So far as the plea regarding ingredients of Section 13 of the Act are concerned, the same can be raised at the time of arguments. The other plea raised by the revision petitioner, on the face of it, are an attempt to further prolong the case which has already taken about 10 years after filing of petition. The Appellate Authority has committed no error of law and fact while declining the application.

This revision petition has no merits.

Dismissed.

The appeal is pending before the Appellate Authority for the last more two years, as such the Appellate Authority is directed to dispose of the appeal within three months from the date of receipt of copy of this order.

Copy of the order be sent to the Appellate Authority, Amritsar.

February 25, 2015

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(Surinder Gupta)
Judge