

106

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

C.R. No.1319 of 2016 (O&M)

Date of Decision : 04.03.2016

Ashwani Arora

..... Petitioner

Versus

Rajiv Kumar Murria

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Onkar Singh, Advocate
for the petitioner.

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

AJAY TEWARI, J. (Oral)

This revision has been filed against the order dated 26.11.2015 passed by the Rent Controller, Jalandhar allowing amendment in the eviction petition.

The original petition was filed in 2010 with the averment that the son of the respondent-landlord was staying in Chandigarh and needed a room in question for his personal use and studies. For five years the said petition lingered. In the interregnum the son of the respondent concluded his studies and it was at that stage that the application for amendment was filed to take the plea that with the passage of time the original relief and the original ground had come to an end because the son of the petitioner had

concluded his studies and now required the premises to start his avocation.

This application was allowed.

Learned counsel for the petitioner-tenant has argued that even if amendment had to be allowed the previous contents should not have been deleted but the subsequent events should have been added.

In my opinion, no prejudice has been caused to the petitioner by this fact. The life of a landlord whose eviction petition is pending for five years at the trial stage does not come to a stand still and goes on. It is in the natural course of events that children grow up, they study and ultimately finished their studies. In a situation where such long periods are required for decision of eviction petition on the ground of personal necessity, it is but natural that the nature of requirement would change with time. No doubt the landlord will still have to prove his personal necessity but it would be important to prove his present needs and it would be futile for him to seek to prove the need of 5 years ago when his son was studying. Consequently, I find no fault with the findings of the trial Court.

Petition is dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

March 04, 2016

ashish

**(AJAY TEWARI)
JUDGE**