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

C.R. No.1797 of 2016 (O&M)

Date of Decision : 17.03.2016

Bikramjit Singh

..... Petitioner

Versus

Brij Mohan Jindal

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajeev Kawatra, 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 petition has been filed against the order dated 09.02.2016 declining amendment in the written statement to the eviction petition.

The respondent-landlord had filed an eviction petition against the petitioner-tenant for eviction from the shop in dispute. In para No.5 of the eviction petition it was mentioned as follows:-

“That the petitioner and his son Kashish Jindal is not in a possession of any other shop within the Municipal Limits of Samana nor they vacated any shop within the Municipal Limits Samana after the commencement of Act without reasonable cause.”

In reply the petitioner admittedly denied the contents of para No.5 and subsequently denied the contention that the landlord or his son did not have any other shop or had not vacated any other shop in the Municipal Area concerned. When the respondent was giving his evidence the petitioner elicited some information in the cross-examination to the effect that there were some other shops which were owned by the father of the landlord or that there was another shop owned by the mother of the landlord or that the brother of the landlord had sold the shop etc. After the cross-examination the petitioner moved the instant application seeking to amend his written statement by including the information elicited in the cross-examination. The Rent Controller has dismissed his application and that is why he is before this Court.

Learned counsel for the petitioner has argued that the petitioner would not be able to lead any evidence in respect of other properties owned/vacated by the respondent-landlord unless this amendment is allowed.

In my opinion, this argument is misconceived. As mentioned above, the petitioner had denied the assertion made in para No.5 of the eviction petition. Once that is so, it would be open to the petitioner to lead evidence to prove that the respondent or his son had in their possession other shops or had vacated premises in the Municipal Area concerned and he could not be barred from leading evidence on the ground that the specific evidence was not pleaded.

Consequently, I find no fault in the impugned order. Petition is dismissed.

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

March 17, 2016
ashish

(AJAY TEWARI)
JUDGE