

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 3186 of 2016

Date of decision : May 5, 2016

Narinder Kumar

..... Petitioner

Versus

Harjinderjeet Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sandeep Arora, 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?

Amit Rawal, J (oral).

The petitioner-defendant-tenant is aggrieved of the dismissal of the application seeking amendment of the written statement at an appellate stage in an appeal pending adjudication before the appellate authority under the East Punjab Urban Rent Restriction (Amendment) Act, 2001 filed against the ejectment order dated 18.9.2014.

Learned counsel for the petitioner submits that following amendment is essential and necessary for adjudication of the *lis* as there are four shops situated in *Islamabad which is near to Naaz Cinema G.T. Road, Jalandhar*. The plea of personal necessity is based upon inadmissible evidence having no foundation.

“That the petitioner lives in a Joint family and there are four shops situated in the area of Islamabad which is near to Naaz Cinema G.T. Road, Jalandhar

in the name of Smt. Manjinder Kaur wife of petitioner.”

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the application for amendment in the written statement in the absence of additional evidence or liberty to examine witnesses is not maintainable.

Assuming for an argument sake that the amendment application is allowed. In the absence of evidence, it would tantamount to denovo of the trial which cannot be initiated at this stage. There is no explanation that the respondent had any other property in the same area and got vacated on the ground of personal necessity. Rightly so, the application for amendment has been dismissed by the authority under the Act.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

**(AMIT RAWAL)
JUDGE**

**May 5, 2016
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