

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.3216 of 2016

Date of Decision.13.05.2016

Pardeep Kalia

.....Petitioner

Vs.

Dev Krishan

.....Respondent

Present: Mr. Mandeep Singh Sachdev, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The application for amendment to the written statement was filed subsequent to the commencement of the trial by the tenant. One of the contentions was that the property which is sought to be evicted is claimed for non-residential purpose which was not permissible because the property is residential house. Other ground taken was that the landlord possessed two other buildings which were vacated and the landlord had put one property to use as a garage and another property as *rasta*, circumstances that showed that there was no bona fide in securing the eviction of this premise when the petitioner could have used any one of these buildings for the purpose for which he is now seeking eviction presently. These matters can be taken by the tenant at the time of trial in the cross-examination and also in his own evidence. If the trial Court has not allowed amendment to be brought in, on account of the fact that these facts had already been known to the

respondent and that the failure to take them up for appropriate pleadings at the time when the statement was already filed and before the commencement of the trial, I will find no reason for making an intervention in favour of the tenant.

2. The order is maintained and the revision petition is disposed of with the above observations.

(K. KANNAN)
JUDGE

May 13, 2016
Pankaj*