

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

120

Civil Revision No.3847 of 2016 (O&M)

Date of Decision: July 13, 2016

Bharat Gupta

...Petitioner

Versus

Munish Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S. Modi, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision petition is to the order dated 05.12.2015 passed by the Rent Controller, Panchkula, whereby the application for amendment of the written statement as preferred by the petitioner-tenant, stands dismissed.

2. It is the contention of learned counsel for the petitioner that along with the plaint, photocopy of the rent agreement dated 16.03.2013 was supplied to the petitioner but in the said photocopy, the signatures were not legible and because of which he was not in a position to take a stand as to whether the signatures on the agreement were his or not. It is subsequently that when he came to know about the rent agreement in detail that he realised that the signatures were not his and were forged. Accordingly an application was immediately filed for amendment of the written statement. He, thus, contends that there was no intention on the part of the petitioner to delay the proceedings, as has been observed by the Rent Controller in the impugned order. The revision petition was filed on 26.04.2015 and the issues were framed on 21.08.2015, whereas the application for amendment has been filed on 04.11.2015. He contends that

had it been the intention of the petitioner to delay the proceedings, he would not have moved the application at such an early stage of the case, especially when only two witnesses have been examined of the petitioner. He, thus, contends that the impugned order cannot sustain and deserves to be set aside and the application of the petitioner for amendment of the written statement be allowed.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the pleadings and the impugned order but do not find myself in agreement with him.

4. The plea which has been taken primarily in the written statement which has been filed after receiving a photocopy of the rent agreement dated 16.03.2013 along with eviction petition indicated that the petitioner had taken a plea that the blank signed papers of the petitioner were obtained by his mother and brother after the death of Ashwani Kumar Seth, who was the original landlord, for completing the formalities with regard to the police department. The aforesaid blank signed papers were misused by the respondent-landlord converting it into an agreement dated 16.03.2013. The plea which has been initially taken in the written statement clearly depicts that the signatures in the rent agreement dated 16.03.2013 were not denied. It is at a later stage and that too after two witnesses of the petitioner have been examined that the application for amendment of the written statement has been filed totally taking the somersault by denying the signatures on the rent agreement dated 16.03.2013 by alleging that the signatures on the alleged rent agreement dated 16.03.2013 are forged and fabricated and are not his. This plea is not permissible in the light of the fact

that there is a categoric admission on the part of the petitioner with regard to the signatures in the rent agreement dated 16.03.2013 in the earlier written statement which has been filed. It is not in dispute that the photocopy of the rent agreement dated 16.03.2013 had been supplied to the petitioner and, therefore, he was aware of the signatures being there on the rent agreement. Had the signatures not being his on the said agreement, he would have straightaway denied the same instead of taking a plea that the blank signed papers of the petitioner has been misused by the respondent-landlord for forging a rent agreement. The grounds, as has been projected by the petitioner for amendment of the written statement, have rightly been considered and rejected by the Rent Controller, Panchkula, and, therefore, do not call for any interference by this Court in the present revision petition.

5. There being no merit in the present revision petition, the same stands dismissed.

July 13, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE