

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R No. 4168 of 2015 (O&M)

Date of decision : January 29, 2016

Anita Rai

..... Petitioner

v.

Lavneesh Gulati,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. FS Virk, Advocate
for the petitioner.

Mohd. Yousaf, Advocate
for the respondent.

1. **Whether Reporters of Local Newspapers 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 of the Rent Controller dated 18.03.2015 declining an application for amendment in the written statement.

Brief facts are that in the original written statement, the petitioner-tenant had denied the relationship of landlord and tenant but now by way of the amendment, she wants to state that she does not deny the said relationship.

Counsel for the landlord-respondent has stated that even though there is an issue with respect to the denial of relationship and because of

that denial even the provisional rent was not assessed, yet since the respondent has also prayed for eviction on the ground of personal necessity, he would not seek eviction on the ground that the petitioner-tenant had earlier challenged the title of the landlord. Further, even as regards the rent, he would not seek any provisional rent but the Rent Controller should be directed to decide this issue at the final stage.

Counsel for the respondent has further argued that he would have no objection to the amendment in the written statement but this is only a plea to delay the proceedings, since the petitioner has already filed her affidavit in examination-in-chief and the matter is now fixed for 1.2.2016 for cross-examination, and if this petition is allowed, the petitioner will now seek an adjournment to file a fresh affidavit.

Counsel for the petitioner states that the petitioner is not interested in delaying the proceedings and in case the amendment is allowed, she will not recall the respondent or his witness/es for any further cross-examination and undertakes to file a fresh affidavit, if required, in examination-in-chief, on 1.2.2016, and would lead her entire evidence on or before 31.3.2016 at her own responsibility. As per him, with this stipulation, the apprehension of the landlord is also allayed.

Counsel for the respondent has accepted this. In the circumstances, the impugned order is set aside and this petition is allowed in the above terms. The trial Court is directed to decide the case finally on or before 31.5.2016.

(AJAY TEWARI)
JUDGE

January 29, 2016
`kk'

