

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 4934 of 2016 (O&M)

Date of Decision : 04.08.2016

Gagan Kumar

....Petitioner

Versus

Sant Kumar

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Saravpreet Gurna, Advocate
for the petitioner.

Surinder Gupta, J.

This is revision against the order passed by Rent Controller, Ludhiana whereby application filed by revision-petitioner seeking amendment of reply was declined.

2. Respondent-Sant Kumar has filed petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (later referred to as 'the Act') seeking ejectment of Gagan Kumar, revision-petitioner, from the demised premises on the ground of his personal *bona fide* necessity. The petition was filed in October, 2013. Vide application dated 28.10.2014, revision-petitioner sought to add para 2(a) in the written statement, which reads as follows:-

“2(a) That the petitioner also owns a non-residential property i.e. 87, Grain Market, Gill Road, Ludhiana, which he had inherited from his father by way of a Will dated 15.04.1987. The said area is the prime commercial area of the city. The petitioner has concealed this fact from this Hon'ble Court and the petition deserves to be dismissed on this sole ground. This also falsifies the alleged need of the petitioner.”

3. In reply, respondent-landlord denied that he owns a non-residential building bearing No. 87, Grain Market, Gill Road, Ludhiana.

Copy of sale deed dated 17.11.2011 was placed on record to prove that this property has already been sold by landlord-respondent to M/s Bagga Singh Timbers.

4. Learned counsel for revision-petitioner has argued that as per provisions of Section 13 (3) of the Act, the landlord was required to give information regarding all the buildings occupied and vacated by him. Revision-petitioner by amending his written statement wanted to prove that landlord-respondent has not disclosed this information regarding the premises inherited by him vide Will dated 15.04.1987.

5. The above contention of learned counsel for revision-petitioner has no merit as the landlord-respondent has already disclosed that he had sold the property bearing no. 87, Grain Market, Gill Road, Ludhiana in the year 2011 i.e. much prior to filing of present petition. Revision-petitioner has already pleaded in the written statement that landlord-respondent has vacated non-residential property but has not disclosed the same for *mala fide* reasons. The plea that this property was owned by landlord-respondent will be available to him being not a disputed fact and he can prove all the legal pleas relating to this property available to him in support of his contention already pleaded.

6. As a sequel of my discussion above, I find that order passed by Rent Controller suffers from no legal infirmity calling for any interference in this revision, which has no merit.

Dismissed.

August 04, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No