

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R No. 496 of 2016 (O&M)

Date of decision : January 25, 2016

Gian Chand Verma

..... Petitioner

v.

Mukhtiar Singh,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajiv Joshi, Advocate
for the petitioner.

- 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 by the tenant challenging the order dated 8.12.2015 allowing amendment in the eviction petition.

The landlord had filed the petition for eviction of the petitioner from two shops in his possession on the grounds of non-payment of rent and personal necessity. In the heading of the petition, he had mentioned the location as Basti Nau instead of Basti Shah Kulli. The essential facts regarding ownership and tenancy were neither disputed in the original reply filed by the petitioner nor are they disputed today. However, after filing the reply, the petitioner-tenant moved an application for amendment of the written statement to take the plea that the location of the property was mis-

described. Before the decision of that application, the landlord realized that what the petitioner was saying was correct, and moved an application for amendment of the eviction petition to incorporate the correct location of the premises in dispute i.e Basti Shah Kulli instead of Basti Nau. Both the applications for amendment have been allowed.

In these circumstances, I do not see how any challenge to the order can be made. An application for making such an amendment could be declined if the other side was taken by surprise or there was any uncertainty about the identity of the property in dispute. However, in the present case where there is admittedly no such issue and rather the application of the petitioner has been allowed, I see no reason to take a different view than that taken by the trial Court. The argument that this betrays the lack of diligence on behalf the landlord is correct but the issue is whether this diligence should have been penalized in such a manner that the whole case of the landlord could be rendered infructuous because of a formal mis-description of the property. I find no merit in this petition and consequently dismiss the same.

January 25, 2016
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(AJAY TEWARI)
JUDGE