

CR No. 5785 of 2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 5785 of 2016

Date of Decision: September 05, 2016

Deep Chand Jain (Now deceased) through LRs

...Petitioners

Versus

Subhash Chander Jain & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gaurav Gogna, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral):

Challenge in this revision petition is to the order dated 20.07.2016 passed by the Rent Controller, Malout, whereby, the amendment application to the eviction petition preferred by the respondent-landlords in para 2 at 3rd line for substitution of the date of death of Kashmiri Lal from 1981-82 to 09.03.1994 and in para 1 at 3rd line where the petitioner has mentioned that he had rented out the disputed premises on behalf of 'his wife' which he wants to change as 'his father', has been allowed.

Counsel for the petitioners contends that these amendments would change the very basis of the pleadings and claims in the eviction petition. He contends that with this assertion, the source from where the petitioner became the landlord would change and therefore, the amendment as has been sought is not permissible in the eyes of law. In support of this

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contention, he has placed reliance upon the judgment passed by this Court in Arjun Chand Vs. Smt.Shama Joshi, 2011 (2) Rent Law Report 55, Vidyabai & others Vs. Padmalatha & another, 2009 (1) R.C.R. (Rent) 120 and Gian Chand Goel Vs. Ankush Goel, 2016 (3) Law Herald 2032.

I have considered the submissions made by the counsel for the petitioner and with his assistance have gone through the impugned order.

It is not in dispute that the respondents are claiming themselves to be the landlords and therefore, the present amendment is only for making certain corrections with regard to the factual aspects which have inadvertently crept in. The very nature of the pleadings would not be changed and thus, no ground for denying the amendment is made out. The judgments on which reliance has been placed by the counsel for the petitioner are to the effect that the nature of the pleadings and relief cannot be changed and there cannot be any dispute with regard to this preposition but as held above that position is not present in this case.

On considering the pleadings in the present case, this Court is in agreement with the order passed by the Rent Controller, Malout, dated 20.07.2016. It has been categorically stated in the order that the petitioners herein have denied the title as well as relationship of landlord and tenant between the parties and therefore, both the amendments which are being sought to be made and referred to above are not going to touch the merit of the petition. It would be open to the parties to lead their respective evidence to substantiate their stands.

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In view of the above, the impugned order being in accordance with law does not call for any interference by this Court. The present revision petition is, therefore, dismissed.

September 05, 2016
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No