

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

**CR No. 6787 of 2015 (O&M)
DECIDED ON : 28.04.2016**

Balbir Singh

...Petitioner

versus

M. S. Rawat

...Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

- 1. Whether Reporters of local papers 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 ?**

Present : Mr. Divanshu Jain, Advocate,
for the petitioner.

Mr. Jatin Khullar, Advocate,
for the respondent.

AJAY TEWARI, J. (ORAL)

This petition has been filed against the order of Rent Controller declining the permission to the petitioner-landlord to lead the evidence.

Brief facts of the case are that the petitioner-landlord has filed a petition for eviction of the respondent-tenant, who was in occupation of the first floor, with the plea that the ground

floor was dilapidated and after getting the premises vacated, the whole thing would have to be reconstructed and would be used by the petitioner-landlord. After the evidence of petitioner-landlord was over, the respondent-tenant filed an application for amendment of the written statement, wherein he took a plea that in fact the petitioner-landlord had got tenants in the ground floor and therefore, his assertion that the ground floor was unfit for habitation, was wrong. The petitioner-landlord denied this assertion and stated that the persons who were staying on the ground floor were his employees and ultimately the amendment was allowed and the tenant-respondent was allowed to lead evidence in support of this new additional plea. It is thereafter that the petitioner-landlord sought an opportunity to lead evidence to support his contention that the residents on the ground floor were actually employees and not tenants. This having been declined, inter-alia, on the ground of delay, the parties are before this Court.

In my opinion, once amendment of the respondent-tenant was allowed after the entire evidence of the petitioner-landlord was read and the respondent-tenant was allowed to lead evidence in support of this new plea he has raised, it was incumbent upon the Rent controller to have similarly given an opportunity to the petitioner-landlord also to rebut this new evidence, also in the facts and circumstances of the present case.

As regards the ground of delay on the application, the same has

been moved after six and a half months. In my considered view, the ends of justice would be met if the petitioner-landlord is given an opportunity to lead evidence, subject to payment of costs of ₹10,000/- to be paid to the respondent-tenant.

In the circumstances, petition is allowed and the impugned order is set-aside. The Rent Controller is directed to give one effective opportunity to the petitioner-landlord to lead evidence in support of the plea that the persons living on the ground floor are not tenants and his employees.

(AJAY TEWARI)
JUDGE

APRIL 28, 2016
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