

CR No. 7284 of 2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 7284 of 2016

Date of Decision: October 27, 2016

Smt. Mamta

...Petitioner

Versus

Anil Kumar Mehta

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rahul Sharma-I, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioner has approached this Court challenging the order dated 23.08.2016 passed by the Rent Controller, Yamuna Nagar, whereby, the application for amendment of the petition under Section 13 of the Haryana Urban (Control of Rent and Eviction), Act, 1973 (for short '1973 Act') preferred by the respondent-landlord, has been allowed permitting the addition of the ground for eviction on personal necessity of the wife for running a boutique and that too because of his retirement.

It is the contention of the counsel for the petitioner that the eviction petition was filed by the respondent-landlord and respondent had shown incorrectly service upon the petitioner because of which the trial Court proceeded *ex parte* and thereafter, the eviction order was also passed *ex parte*. On an application moved by the petitioner, the *ex parte* order has

been set aside and the case has been ordered to be taken up on merits. He contends that after such a long time when the petition was pending no such ground was taken. It is only, at this stage, that additional ground has been sought to be taken by the respondent projecting the personal necessity and that too of his wife. He contends that the same, at this belated stage, cannot be allowed and the Rent Controller has wrongly allowed the application for amendment of the petition.

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 after setting aside of the *ex parte* order of eviction, the petitioner has only filed his written statement to the petition for eviction under Section 13 of the 1973 Act and at this very stage, the application for amendment of the eviction petition has been moved. As such, no prejudice will be caused to the petitioner for the simple reason that the petitioner is to disclose his stand with regard to and vis-a-vis the ground which has been sought to be projected. It has further been stated in the application for amendment that this amendment has been necessitated because of the change of circumstances especially when the respondent has now retired and the necessity has arisen to get the demised premises evicted for running the boutique of his wife. This appears to be a justifiable ground. The reasons which have been assigned by the Rent Controller while allowing the application are in consonance with the statutory provisions and based upon proper appreciation of the pleadings and material available on

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record.

In view of the discussion made above, finding no merit in the present revision petition, the same stands dismissed.

October 27, 2016
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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