

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

**CR-756-2016 (O&M)
Date of decision : 01.03.2016**

Parveen Kumar

..... Petitioner

versus

Darshan Lal

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. A.K.Jindal, Advocate
for the petitioner.

Mr. Rajinder Goyal, Advocate
for the respondent.

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?

AJAY TEWARI, J. (Oral)

This petition has been filed against the order of the Rent
Controller declining an application for amendment.

The present petition was filed for eviction on the ground of personal necessity. The petitioner had taken the plea that there was no relationship of landlord and tenant. However, the plea of the petitioner was negated and it was held that there was a relationship of landlord and tenant. When this issue was pending before the Hon'ble Supreme Court, another rent petition filed by respondent against the petitioner came to be decided wherein the Rent Controller held that there was no relationship of landlord and tenant. This fact was admittedly not brought to the notice of their

Lordships and ultimately the Hon'ble Supreme Court also upheld the finding that there was a relationship of landlord and tenant. However the matter was remanded back for the decision on the question of personal necessity. It is at that stage the present application was moved for amendment of the written statement to take up the plea that there was no relationship of landlord and tenant. The same having been dismissed, the petitioner is before this Court.

In my opinion, once the fact was not brought to the notice of their lordships in Hon'ble Supreme Court it would not be permissible for the petitioner to bring it by way of amendment after rendering of decision by their Lordships.

The petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 01, 2016
Pooja sharma-I

(AJAY TEWARI)
JUDGE