

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

**Civil Revision No.8046 of 2016 (O&M)
Date of Decision: November 30, 2016.**

Darshan Singh Kainth

.....PETITIONER

VERSUS

Kamlesh Rani

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.H.S.Batth, Advocate,
for the petitioner.

SURINDER GUPTA, J.(Oral)

This is a revision petition against the order dated 28.7.2016 passed by the Rent Controller, Ludhiana whereby the application filed by the revision petitioner seeking amendment of the written statement was declined. Admittedly,, the revision petitioner is a tenant in the shop let out to him by the respondent-landlord at the monthly rent of ₹ 300/-. By way of amendment, the revision petitioner intended to raise the plea that the shop is part of a residential building and as such, cannot be got vacated for commercial need of the petitioner. The learned Rent Controller took note of the fact that the revision petitioner had admitted in the written statement that the demise premises are non-residential. When the revision petitioner has taken the shop for carrying on his

business, he is estopped from raising the objection that the landlord cannot get the shop vacated for his personal bonafide need of the shop.

I find no illegality or infirmity in the order passed by the learned Rent Controller. The revision petition stands dismissed.

However, it is made clear that any observation in this order and dismissal of the revision petition will not have any bearing at the time of final hearing of the ejectment petition on merit.

November 30, 2016.
Paritosh Kumar

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***