

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

**Civil Revision No. 1341 of 2017 (O&M)
Date of Decision: 31.08.2017**

United Bearing and Mill Store through its
partner Shri Rajinder Kumar, Ambala Cantt.
and another

..... Petitioners

Versus

Cecil Hotel through Vijay Kumar, its Managing
Partner C/o Cecil Hotel, Ambala Cantt. and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gaurav Rajpoot, Advocate
for the petitioners-tenant(s).

Mr. O.P. Goyal, Sr. Advocate assisted by
Mr. Piyush Aggarwal, Advocate
for the respondents-landlord(s).

JASWANT SINGH, J. (ORAL)

Petitioners-tenant/partnership firm are in revision directed against the order dated 21.01.2017 passed by learned Rent Controller, Ambala, whereby petitioners' application for amendment to the written statement has been dismissed.

It is apparent that the amendment to the written statement was sought when the evidence of 2-PWs was over, to include that the Rent Controller had no jurisdiction to decide the eviction in view of the relied rent note actually being a license deed and that too a fabricated one. The Rent Controller noticed the fact that the relationship of the tenant and landlord was not denied, in fact the tenancy claimed is from the period prior to the alleged execution of the license deed, moreso, the proposed amendment

being a legal issue could very well be urged and decided on the already framed issue of “*maintainability of the rent petition*”.

After arguing for sometime and having failed to convince the Court, learned counsel for the petitioners prays for permission to withdraw the present petition in view of the observations recorded by learned Rent Controller, Ambala, that the issue of jurisdiction would be considered in the framed issue of “*maintainability of the rent petition*”.

Dismissed as withdrawn.

August 31, 2017

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No