

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No. 2087 of 2017
Date of decision: 07.04.2017

Iqbal SinghPetitioner(s)
Versus
Anoop Singh ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Madan Gupta, Advocate, for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Counsel for the petitioner-tenant has very fairly pointed out that in similar circumstances, another tenant namely Ram Gopal Verma (since deceased) through L.Rs. had challenged the order dated 20.10.2016 in C.R. No. 1866 of 2017 whereby, the amendment application had been allowed in a petition filed under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 filed by the landlord. The said revision was dismissed on 27.03.2017 by this Court by observing as under:-

*“A perusal of the above-said would go on to show that during the pendency of the eviction petition, subsequent events have happened whereby the status, as such, of the landlord has changed. The said facts have been sought to be brought on record. It is settled principle that subsequent events can always be brought on record as the Court is to adjudicate on the merits of the case, as has been held in **Mrs. Surinder Kaur Bakshi Vs. M/s Chopra Glass House & others 2013 (3) PLR 142**. It is for the Rent Controller, at the final stage, to see as to what would be the effect of the amendment, as such, and whether the landlord would be entitled for the benefit of the NRI status. The same would necessarily be on the basis of the evidence, as such, which also comes on record, especially in view of the*

fact that leave to contest has been granted. It is also to be noticed that Section 13-B provides that eviction can only be ordered from one of the buildings in question, once in a lifetime and therefore, the landlord would unnecessarily be prejudiced in case the amendment is not allowed, as has been rightly noticed by the Rent Controller. In such circumstances, this Court is of the opinion that since the amendment was sought at the initial stage, as even the witnesses of the landlord had not been examined, the same was justified. Accordingly, keeping in view the principle that liberal view is to be taken on the amendment application, the present revision petition is dismissed.

Needless to say that any observation made herein will not, as such, prejudice the Rent Controller, at the time of the final decision, as to the effect of the amendment and from the date on which it has come into play and whether the entitlement, as such, of the landlord was there, on the date of filing or not, since this question is to be decided on the basis of the pleadings and the evidence which comes on record.”

It is submitted that in the present case also, the amendment has also been allowed vide the impugned order dated 16.01.2017 which is identical to the one which was granted in the other case. He accordingly submits that the tenant be given the same liberty as has been given to the other tenant.

Accordingly, the present revision petition is also dismissed but in the same terms as in C.R. No. 1866 of 2017.

07.04.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No