

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

**CR No.2852 of 2015
Date of decision: 12.01.2017**

Inderjit Singh
Sham Sunder

Versus

....Petitioner
...Respondent

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

Present: Mr.Gaurav Tangri, Advocate, for the petitioner.
Mr.O.P.Hoshiarpuri, Advocate, for the respondent.

G.S. SANDHAWALIA, J. (Oral)

Petitioner-landlord has challenged the order dated 22.01.2015, whereby the Rent Controller, Jalandhar has allowed the amendment application of the respondent-tenant, vide which, the complete details of the property owned by the petitioner-landlord was sought to be incorporated in the written statement.

The reasoning given by the Rent Controller is that a liberal view must be adopted and that the respondent has to prove the existence of the property in the name of the petitioner and no prejudice will be caused to him if the amendment is allowed. On the contrary, it was held that prejudice will be caused to the respondent if the same is not allowed. Accordingly, costs of Rs.2000/- had been imposed, while allowing the same.

Counsel for the petitioner has vehemently submitted that the application was moved at the fag end, after the cross-examination of the landlord was completed and the case was fixed at the stage of last opportunity of leading evidence by the respondent-tenant.

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Counsel for the respondent, on the other hand, has submitted that material has already come on record regarding the ownership details in the form of evidence and therefore, the respondent would not be leading further evidence to show that the ownership of the premises, which are sought to be incorporated, are of the landlord and no witness will be called for the said purpose, to prove the validity of the sale deed etc.

Keeping in view the above, this Court is of the opinion that since the requirement is on the ground of *bona fide* personal use and occupation, for opening a big showroom of readymade garments and general store and an averment has been made in the ejectment petition that the petitioner is in possession of 2 shops of a portion of the building and the same are insufficient for opening the showroom, the amendment would only facilitate the Rent Controller to decide the said issue whether the requirement is *bona fide* as such. The premises which are owned by the petitioner-landlord are as many as 8, which are sought to be incorporated, are detailed as under:

- “i) New Complex, Near Gurudwara Guru Singh Sabha, Hoshiarpur Road, Rama Mandi, Jalandhar (Recently purchased by the petitioner).
- ii) Building of Ashirwad Hospital, Hoshiarpur Road, Rama Mandi, Jalandhar.
- iii) Building of Sethi Complex, Hoshiarpur Road, Rama Mandi, Jalandhar.
- iv) Property of Raj Palace, Hoshiarpur Road, Rama Mandi, Jalandhar.
- v) Owner of House, Backside Gali No.9, Baba Budha Singh Nagar, Jalandhar.

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- vi) Owner of 5 other shops in the building at Hoshiarpur Road, Kaki Pind, Jalandhar.
- vii) 10 shops at the opposite of house of petitioner situated at Baba Budha Singh Nagar, Jalandhar.
- viii) Sethi General Store, Rama Mandi, Jalandhar, Near HDFC Bank, Hoshiarpur Road, Rama Mandi, Jalandhar.”

Even though the factum of admission of the said ownership might have come in the cross-examination of the landlord, but to avoid any technicalities, the amendment has been rightly allowed and the same does not suffer from any illegality or infirmity which would warrant any interference by this Court, keeping in mind the principle that the law of procedure is a handmaid of justice.

Accordingly, the present revision petition is dismissed, with the rider that the respondent-tenant would not lead any further evidence regarding proof of the ownership, as such, of the properties in question.

January 12th, 2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*