

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

Civil Revision No.2565 of 2017

Date of Decision: 06.11.2017

Harbhinder Singh

..... Petitioner

Versus

Raj Kumar, Proprietor of M/s Inder Sain & Sons

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Nitin Thatai, Advocate for the petitioner/landlord.

Mr. B.K.Mehta, Advocate for the respondent/tenant.

JASWANT SINGH, J. (ORAL)

The landlord is in revision directed against the order dated 03.09.2016 (**Annexure P-6**), passed by the Rent Controller, Ludhiana, whereby the application under Order 6 Rule 17 CPC for amendment of the description of the demised premises and measurements in the rent application, moved by the landlord, has been dismissed.

It is averred that the landlord has filed 10 eviction petitions against 10 different tenants over shops in the same building. In the present case, the landlord has sought eviction of the tenant-Raj Kumar from two shops bearing Nos.13 and 14, measuring 12' x 20' each. However, as per the description of the surrounding shops, inadvertently, a mistake has been committed due to overlapping of the eviction petitions.

It is submitted that on discovery of the said discrepancy, an amendment application was moved at the initial stage of the trial and even before the provisional assessment of rent and, therefore, the same is liable to be allowed as no prejudice is caused to the respondent/tenant.

At the time of arguments, learned Counsel for the parties are agreed, in view of the settled law on the subject, that the amendment in the facts of the case is liable to be allowed.

In view of the above agreed stand, the present petition is allowed. The aforesaid impugned order dated 03.09.2016 (**P-6**) is set aside. The application for amendment is allowed and the respondent/tenant is permitted to accordingly amend his written statement, if required.

November 06, 2017
Gagan

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>