

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 3792 of 2017 (O&M)
Date of Decision: 25.5.2017

Prem Kumar

.....Appellant

Versus

Puneet Sanan and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. G.S.Sirphikhi, Advocate
for the petitioner.

ANITA CHAUDHRY, J

This revision has been filed against the order dated 23.3.2017.

The Rent Controller dismissed the application filed by the respondent seeking amendment in the written statement.

Few facts are necessary. An ejectment petition had been filed with respect to a property rented out over 20 years ago. Ejectment was sought on the ground of non-payment and *bona fide* requirement and besides the business run by the respondent was causing disturbance. The respondent filed his reply admitting the relationship though pleading that the grounds did not exist. A year later he moved an application under Order 6 Rule 17 CPC seeking amendment of his reply. He wanted to add para 3(b) wherein he now disputes the title of the landlord. He wanted to take a plea that the property was owned by the Improvement Trust and as per award dated 3.1.1977 the Improvement Trust had taken possession of the property and therefore the grounds taken by the landlord were not available and the Improvement Trust was the actual owner and a necessary and proper party.

The Rent Controller after hearing both the parties dismissed the

application observing that the tenant had admitted the relationship and he could not question the title of the landlord and was estopped from challenging the title.

I have heard the counsel for the petitioner at great length.

The tenant after admitting the relationship is challenging the title of his landlord. The rule is that the tenant cannot dispute his landlord's title. Once he has admitted the relationship he cannot now retract and deny it. The rule of estoppel would apply. The tenant cannot approbate and reprobate and take different stands at different point of time. Once the tenant had admitted the relationship he cannot be allowed to amend the written statement and raise a totally different plea altogether. There is no infirmity in the finding of the Court below.

The appeal is dismissed in limine.

(ANITA CHAUDHRY)
JUDGE

May 25, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No