

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

CR No.4309 of 2017

Date of Decision:-06.07.2017

Harjit Singh.

.....Petitioner.

Versus

Rattan Singh.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Piyush Kant Jain, Advocate for the Petitioner.

JASWANT SINGH, J. (ORAL)

Petitioner(tenant) is in revision assailing the order dated 08.05.2017 (P-6) passed by Rent Controller, Ludhiana whereby application for amendment of written statement at the stage of final arguments has been dismissed.

Learned Counsel for the petitioner has argued that the learned Rent Controller has wrongly dismissed the application filed by the petitioner for amendment of written statement as it is evident from the record that the plea intended to be raised by him at this stage goes to the root of the matter and thus, it is a fit case to allow the present revision and permit the petitioner tenant to amend his written statement.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and deserves to be dismissed.

It is evident from the impugned order that the petitioner (tenant) at this stage intends to withdraw his admission qua existence of relationship amongst the parties as landlord and tenant. As per the amendment, he intends to deny the relationship and state that instead of respondent-Harjit Singh it is his son Surinder Pal Singh who is the owner of the demised premises. It is further evident that previously, an application was filed by the petitioner (tenant) for recalling AW-1 Rattan Singh and AW-2 Devinder Singh for cross examination on the same ground. The said application was also dismissed on 07.02.2017 by the Rent Controller. Similarly, another application for impleadment was also moved which was also dismissed vide order dated 4.2.2017. Thus, it is apparent that the petitioner is trying to delay the eviction application in one way or the other and thus, the order passed by the Authority below does not suffer from any illegality especially in view of the settled law that a party cannot be permitted to withdraw its admission which severely affects the case of the other side at the fag end of the trial.

In view of above, finding no merit in the present revision petition the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

July 06, 2017
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No