

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

CR No.4650 of 2017(O&M)

Date of Decision:-27.07.2017

Dr. Sunil Grover & Anr.

.....Petitioners.

Versus

Ms. Kiranjot Kaur.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Mansur Ali, Advocate for the Petitioners.

Mr. Sunil Garg, Advocate for the Caveator/respondent.

JASWANT SINGH, J. (ORAL)

Husband wife duo-tenants are in revision directed against the order dated 30.05.2017 passed by the Rent Controller, Patiala whereby leave to contest the eviction petition filed by the respondents/NRI landlord has been declined.

The sole argument raised by the learned Counsel for the petitioners at this stage is that an application for amendment under Order 6 Rule 17 CPC moved by the NRI landlord was allowed on 30.05.2017, thereby permitting the correction of the description of the original stated “Shop no.1284/4” to “Shop No.1284/4-C” and thereafter deciding the application for leave to contest on same date itself i.e. 30.05.2017, without granting an opportunity to the tenants to file their response to such amendment.

It is contended that a rebuttal to the amended description is necessary as it is the case of the tenants that shop no.1284/4-C is not the tenanted shop. Hence it is claimed that the order is liable to be quashed.

On the other hand learned Counsel for the Caveator/respondent submits that the allowed amendment does not alter the initial pleadings taken as a whole and the parties are alive to the issue even after the amendment, however, to avoid any further delay, on instructions from his client, he has no objection if matter is remanded back to the learned Rent Controller for deciding afresh after granting an opportunity to file the amended application for leave to defend/contest within a fixed time frame.

In response learned Counsel for the petitioner (tenant) has no objection for a fresh decision within a fixed time frame.

In view of the aforesaid facts and agreed stand, the impugned order dated 30.05.2017 is set aside and it is directed that in case a fresh amended leave to defend/contest to the amended eviction petition is filed within next two weeks, then the same shall thereafter be decided in the next three weeks in accordance with law by the Rent Controller, Patiala.

Allowed in the above terms.

(JASWANT SINGH)
JUDGE

July 27, 2017
Vinay

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