

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

CR No. 494 of 2017 (O&M)

Date of decision: 10.10.2017

Tarsem Chand

...Petitioner

versus

Mitul Jindal

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present : Mr. Narinder Singh, Advocate
for the petitioner.

Mr. Abhinav Gupta, Advocate with
Mr. Vinay Pandey, Advocate
for the respondent.

RAJIV NARAIN RAINA, J. (ORAL)

1. This petition is directed against the order of the Rent Controller, Bathinda dated 12.01.2017 rejecting the application of the tenant filed under Order 6 Rule 17 CPC for amending the written statement.

2. The prayer in the application was to grant leave to the tenant to incorporate the subsequent event of alienation of shops that the landlord had allegedly made during the pendency of the rent proceedings by way of one shop and upon vacation let that out to different tenants.

3. Learned counsel for the respondent landlord submits that this is only a half-truth. Only one shop was let out during the pendency of the proceedings to a tenant after the previous tenant vacated the premises on his own. The reason attributed for this is that the shop

which was vacated and let out had inadequate space for the nature of business that the landlord wishes to do from the demised premises.

4. Besides, the rent proceedings are at the stage of hearing and conclusion. The entire evidence has been produced by the parties. It cannot be denied that either one of these events is a subsequent event which Court could have taken cognizance of regarding assessing personal need, and if that is so, the Rent Controller can always accept it as a fact that the subsequent event has happened and then examine the personal requirement of the landlord at the time of passing the final judgment.

5. Since this has become the admitted position, no evidence is required to be led by the tenant which assuages his grievance in this petition that subsequent event may not be considered and, therefore, injustice may be done to him due to the dismissal of the application.

6. From the observations made above and because the subsequent event/s pleaded in the application and the reply filed has turned into a fact, this petition is disposed of and to achieve this end, the impugned order dated 12.01.2017 has to be set aside.

7. It is ordered accordingly.

8. Nevertheless, the factual and evidentiary weight to be attached to subsequent event/s as a matter of admitted fact will be in the wisdom and discretion of the Rent Controller judiciously exercised and the bonafide need and the personal requirement of the landlord to seek vacation of the demised premises, appropriately assessed in all the

attending circumstances of the case before expressing final opinion and pronouncing judgment.

(RAJIV NARAIN RAINA)
JUDGE

October 10, 2017

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Whether speaking/reasoned : Yes
Whether reportable : No