

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

CR 4975/2017

Date of decision:02.08.2017

Ishar Dass

.....Petitioner

v.

Lachhman Dass

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Daman Dhir,Advocate for the petitioner-tenant

Jaswant Singh,J,(Oral).

Petitioner-tenant(since deceased) through his one of the legal representatives (son), is in revision directed against the order dated 20.5.2017 whereby the application of the tenant for incorporating subsequent events by amending the written statement has been declined.

Counsel for the petitioner heard at length.

It is not in dispute that that the landlord has inter alia set up the plea of personal necessity of his own and that of his son for eviction of the tenant from the demised shop. It is also not in dispute that the landlord is owner of a building comprising more than one shop and eviction of all the tenants has been sought inter alia on the ground that landlord wishes to demolish the shops having old construction and thereafter by constructing a new building, open a big showroom for garment business. It is also not in dispute that after conclusion of the evidence of the landlord, the tenant's evidence had commenced w.e.f. 23.1.2015. The tenant after leading partial evidence instituted an

application seeking amendment of the written statement to include the factum of vacation of two adjoining shops from the other tenants and their consequent demolition.

In the opinion of this Court the learned Rent Controller has rightly dismissed the application for amendment as they are not necessary for adjudication of the present eviction petition and in any case do not advance the cause of the tenant, instead fully support the plea of the landlord of personal necessity. This Court is in agreement with the observation of the Rent Controller that the tenant is unnecessarily adopting delaying tactics in a case based on personal necessity which was required to be decided expeditiously.

In view of the above, no ground for interference is made out and the present revision petition is dismissed with costs of Rs.5000/- (Rupees five thousand only) to be deposited with District Legal Service Authority,Sangrur within a period of one month from today. In case of non-deposit of said costs by the petitioner, Secretary, Distt.Legal Service Authority,Sangrur shall take action in accordance with law to seek realisation of the costs.

02.08.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No