

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

Civil Revision No.6362 of 2015

Date of Decision: 22.11.2017

M/s Kanwal Agencies
through its Partner-Satinder Pal Singh

..... Petitioner

Versus

Pushpinder Singh Cheema

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Tushar Sharma, Advocate for the petitioner/tenant.

Mr. Divanshu Jain, Advocate for the respondent/landlord.

JASWANT SINGH, J. (ORAL)

The tenant is in revision directed against the order dated 24.08.2015 (**Annexure P-6**), passed by learned Rent Controller, Chandigarh, whereby his application under Order 6 Rule 17 of the CPC for amendment of the application for leave to contest, filed under Section 18-A of the East Punjab Urban Rent Restriction Act, 1949 (for short '1949 Act') within time, has been declined on the ground that such amendment, *inter alia*, is not maintainable.

It is undisputed that the NRI landlord/respondent has filed an eviction petition under Section 13-B of the East Punjab Urban Rent Restriction (Amendment) Act, 2001 (**Annexure P-1**) seeking eviction of the petitioner/tenant from the demised premises comprising Basement of SCO No.383, Sector 37-D, Chandigarh and an application dated 21.12.2014 (**Annexure P-2**) by the tenant for leave to contest under Section 18-A of 1949 Act stands filed within the stipulated time of 15 days. However, subsequently, an application dated 01.07.2015 (**Annexure P-4**) for amendment of the application under Section 18-A of 1949 Act to incorporate the pleas, which have subsequently come to the notice

of the tenant, has been filed. The said application has been dismissed, *inter alia*, on the ground that the same is not maintainable, vide impugned order dated 24.08.2015 (P-6).

At the time of hearing, learned Counsel for the respondent/landlord very fairly concedes that the issue is no longer *res integra*. He concedes that this Court, vide judgment dated 02.05.2011, passed in **Civil Revision No.6140 of 2010** titled as '**M/s Ghazal Restaurant and another Versus Mrs. Samarbir Kaur @ Samarbir and others**' and vide judgment dated 20.03.2012, passed in **Civil Revision No.767 of 2012** titled as '**Amar Manchanda and another Versus Abhey Man Singh Sidhu @ Abhey Man Sidhu and another**', has held that the amendment of subsequent events is permissible. He, thus, has no objection if the impugned order dated 24.08.2015 (P-6) is set aside and the revision is allowed and the matter is remanded back to learned Rent Controller, Chandigarh for a fresh decision on the amendment application dated 01.07.2015 (P-4) on merits.

In response, learned Counsel for the petitioner/tenant has no objection if the said recourse is adopted.

In view of the above, the present petition is allowed. The aforesaid impugned order dated 24.08.2015 (P-6) is set aside. Learned Rent Controller, Chandigarh is directed to pass a fresh order on the amendment application dated 01.07.2015 (P-4) on merits in accordance with law.

November 22, 2017
Gagan

(JASWANT SINGH)
JUDGE

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