

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

Civil Misc. No.20906-CII of 2016 in/and
Civil Revision No.6811 of 2016
Date of decision: 16.01.2017

Gurwinder Singh

...Petitioner

Versus

Raj Kaur

...Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Veneet Sharma, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner is aggrieved against the order dated 7.9.2016 passed by the Appellate Authority, Amritsar whereby amendment of the ejectment application of the respondent-landlady has been allowed vide which better description of the tenanted premises was allowed to be given.

The reasoning which prevailed with the Appellate Authority was that there was a corrigendum dated 15.1.2016 issued by the Sub Registrar, Amritsar which revealed that property bearing No.389 also bears the survey no.396 MCA and both these numbers be read of one property. Reference has also been made to the house tax receipt wherein both numbers have been mentioned.

The plea taken in the written statement of the petitioner-tenant was that there was no denial that the property which was on rent with him was not in ownership of Kanwaljit Singh from whom the landlady had purchased the property in question. Accordingly, the amendment was allowed subject to payment of ₹ 1500/- as costs. The amendment which was proposed reads as under:-

“Followed by corrigendum dated 15.1.2016 duly registered in the office of the Sub Registrar, Amritsar vide document no.8722, Bahi no.1, Jild No.14456 at page 96/97 dated 15.1.2016 at the instance of the vendor in which the property in dispute is denoted by private no.389 (old) and new survey no.396 MCA with its boundaries as towards East : Main Bazar Gobind Nagar 30 ft wide, West: Property of vendor Kanwaljit Singh alias Bittu s/o Sawinder Singh, North : Shop owned by Harpreet Kaur in which her husband doing business under the name and style as N.S.Property Dealer and towards South: Property of Kanwaljit Singh alias Bittu to be read as part of the original sale deed dt. 10.7.12.”

It is to be noticed that sale deed in question is dated 10.7.2012 and the ejectment application was filed on 16.2.2013. The relationship of landlady/tenant was thus not questioned by the petitioner-tenant and it was only subject to proof of ownership of the landlady qua the demised premises. Resultantly, no issue as such was framed qua the ownership. However, the Rent Controller dismissed the ejectment petition while deciding issue no.1 against her which was for bonafide requirement of her husband on the ground that sale deed was not corresponding with the earlier rent note executed dated 18.2.2008 by Gurwinder Singh, the tenant. It is further recorded that property mentioned in the sale deed was regarding building no.389 whereas tenanted premises is part of building no.396 and it appeared to be a different property.

Resultantly, in appeal, the landlady filed an application dated 25.2.2016 (Annexure P/2) for amendment duly supported by corrigendum dated 15.1.2016 issued by the Sub Registrar, Amritsar. The said application has thus been allowed rightly vide impugned order dated 7.9.2016 by the Appellate Authority, Amritsar.

Counsel for the petitioner has submitted that the impugned

order is not tenable as such and has also placed reliance upon the information received on 11.4.2016 to the petitioner-tenant under the Right to Information Act, 2005 to submit that there was no survey no.396 of property no.389 and neither any property/house tax was being paid.

In the opinion of this Court, the said argument is not acceptable as evidence regarding the same has to be brought on record. The only issue as such was ownership on the basis of which the landlady has been non suited on account of the description of the property in question and in view of the fact that the sale deed is not tallying with the site plan/ejectment application etc. The amendment which has now been allowed would only facilitate the Courts below to come to a valid conclusion as to whether the sale deed in question from which the respondent-landlady derives her title is related to the property in question. It would only facilitate the adjudication of the issue between the parties and would help the Courts below to come to a proper conclusion. Corrigendum dated 15.1.2016 had also been issued subsequently after the decision of the Rent Controller, Amritsar dated 5.10.2015 (Annexure P/1) and therefore, keeping in view the settled principle that subsequent events can be brought on record, the amendment has been validly allowed.

In such circumstances, this Court is of the opinion that there is no infirmity or illegality in the impugned order dated 7.9.2016 which would warrant interference by this Court.

Accordingly, the present revision petition is dismissed.

January 16, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No

Pardeep Kumar
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I attest to the accuracy and integrity
of this document
Punjab and Haryana High Court,
Chandigarh