

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

CR No. 7172 of 2017 (O&M)

Date of decision: 27.10.2017

Nirmal Singh

...Petitioner

versus

Avinash Goyal

...Respondent

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

Present : Mr. H.S. Dhindsa, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. This petition by the tenant is directed against the order passed by the Rent Controller, Ludhiana dated 08.08.2017, allowing the application of the landlord filed under Order 6, Rule 17 of the Code of Civil Procedure, 1908. The amendment sought to be introduced by the landlord in the ejectment petition is that his son has solemnized marriage during the pendency of the proceedings and therefore, the need for eviction of the tenant is even greater now and this is a subsequent event which deserves to be incorporated to support plea of bona fide need and personal requirement for gaining possession of the demised premises.

2. Learned counsel for the petitioner submits that this is an attempt to set up an entirely new case which is beyond the original pleadings and should have not been permitted by the learned Rent

Controller. Regarding this contention I am afraid is not the correct view of the pleadings. It has been asserted in the petition that the landlord requires the premises to settle his son in business and he is of marriageable age (at the relevant time) and intends to marry. His son holds a degree in Business Administration. The pre-dominant reason for eviction is personal need of the son. Marriage is incidental to the main claim and an additional reason to setting up business by the son for whose need the petition was filed. It is no argument to say that marriage when entered will turn the tables adversely on the landlord and he must lose for the reason that he is trying to set up a new case.

3. Marriage of son has become an intervening and subsequent event to heighten bona fide need, and therefore, its incorporation by amendment does not change the nature of the case when it only fortifies the urgent need for more accommodation in actually changed circumstances which were contemplated in the original petition.

4. In any case, amendments are to be liberally construed so long as they are aimed at the object of securing an order or a decree by legitimate means to evict the tenant and in this case by introduction of a major supervening event a pleaded fact turning an accomplished fact. Landlord will not wait indefinitely and postpone son's marriage till he gains possession of the demised premises. This would be unnatural to accept for setting aside the order allowing the application for amendment of the ejectment petition.

5. I find nothing wrong in the order passed by the Rent Controller, Ludhiana in accepting the application and allowing the amendment. No substantial injustice will be caused to the tenant if the amendment is allowed. I would, therefore, not think it proper to interfere in this case against an interlocutory order and would dismiss the petition. What impact the supervening events ultimately have on the case, will be open to debate at the final hearing on the evidence brought to bear when judgment is pronounced.

(RAJIV NARAIN RAINA)
JUDGE

October 27, 2017

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Whether speaking/reasoned : Yes
Whether reportable : No