

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

CR 7361/2017

Date of decision:17.11.2017

Ranjit Singh

.....Petitioner

v.

Kuldeep Singh

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Gurcharan Dass,Advocate for the petitioner

Mr.AP Kaushal,Advocate for the respondent.

Jaswant Singh,J,(Oral).

The tenant is in revision directed against the order dated 19.9.2017 passed by the Rent Controller, Ludhiana, whereby the application for amendment of the written statement has been declined.

It is submitted that the projected personal need set up by the landlord is for settling his son-Kulwinder Singh as per the eviction application. However, the landlord, in his cross examination, has admitted that the joint property stands divided and the said son-Kulwinder Singh has become exclusive owner of separate commercial properties, wherein he is doing his independent business. Thus requiring the amendment in view of the subsequent event.

Learned counsel had argued that the tenant only wishes to amend the pleadings regarding the two transfer deeds executed by the landlord in favour of his sons to show that the proposed need for son-

Kulwinder Singh no longer survives.

Upon notice, the counsel for the landlord points out that the proposed amendment cannot be allowed in view of (i) being highly belated at the stage of final argument although the fact regarding two transfer deeds came to tenant's notice during the cross examination of the landlord on 24.9.2015 and the application for amendment, having been moved after the evidence was closed by the tenant on 13.7.2017, after availing 19 opportunities; (ii) that the said two transfer deeds already stand exhibited on record by the tenant as Exhibits RA and RB, therefore, it is urged that the whole effort is to delay the eviction proceedings which based on personal necessity filed on 16.5.2012 and pending final arguments.

After hearing counsel for the parties this Court finds no ground to invoke the revisional jurisdiction. The proposed two transfer deeds, no doubt, are subsequent transactions but have already been exhibited on record as Exhibits RA and RB and the Rent Controller would be required to evaluate the impact of the same at the time of decision of the eviction petition.

In view of the above, present revision petition is disposed of with the aforesaid observation.

17.11.2017
joshi

(Jaswant Singh)
Judge

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