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

**Civil Misc. No.1328-29-CII of 2016 in/and
Civil Revision No.7845 of 2014
Date of decision: 09.02.2017**

Shakuntla Devi now (deceased) through L.Rs. **...Petitioner**

Versus

Krishan Lal **...Respondent**

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

Present: Mr. Gurvinder Singh, Advocate for the petitioner.

None for the respondent.

G.S.SANDHAWALIA, J. (Oral)

Civil Misc. No.1328-CII of 2016

Prayer made in the present Civil Misc. Application for granting exemption from filing certified copy of Annexure P/3 is allowed.

The Civil Misc. Application stands disposed of accordingly.

Civil Misc. No.1329-CII of 2016

Prayer made in the present Civil Misc. Application for placing on record copy of the amendment application as Annexure P/3 is allowed.

Copy of the amendment application is taken on record.

Office to tag the same at appropriate place in the file.

The Civil Misc. Application stands disposed of accordingly.

Civil Revision No.7845 of 2014

The present revision petition is directed against the order dated 17.10.2014 (Annexure P/1) whereby the Rent Controller, Ambala had declined the application for amendment of the eviction application initially

filed by the mother of the petitioner. The petitioner Shubham sought the amendment of the ejectment application on the ground that the case had been fixed for evidence and he had got himself impleaded as a legal heir in 2011.

The amendment sought was that the property was required for his own bonafide use and personal occupation as he was staying in a rented accommodation with his uncle Pardeep Kumar and now being a major was likely to marry and there was no accommodation available. The rented room occupied by his mother had already been vacated in April, 2010.

The application had been contested by the tenant on the ground that mother of the applicant had expired on 15.4.2009 and the father had expired on 8.2.2011. Thereafter, period of three years had passed when the application dated 28.8.2014 (Annexure P/3) had been moved and the same was barred by time. It was a second application and therefore it was not maintainable.

Counsel for the petitioner has brought to the notice of this Court that initially when the petition was filed on 6.9.2007 it was filed through his mother Shakuntla Devi for the property in question on the ground of her requirement. She died on 15.4.2009 and thereafter her husband Chaman Lal was brought on record along with the petitioner who was the minor son. His date of birth was 25.6.1996. Unfortunately his father also died on 8.2.2011. The uncle of the present petitioner namely Pardeep Kumar filed a petition for appointment as Guardian of the petitioner-Subham under Sections 8 & 10 of the Guardian and Ward Act, 1890 on 16.4.2011 (Annexure P/3). It is thus apparent that subsequent

events took place during pendency of the ejectment petition and requirement of the landlord accordingly varied and changed. The application for amendment was thus filed on 28.8.2014 after the present petitioner had attained the age of 18 years on account of the fact that he was staying with his Uncle and that he had become major and was likely to marry and required the premises in question.

In such circumstances, keeping in view the subsequent events which had taken place, the Rent Controller, Ambala was not justified in dismissing the application for amendment being not maintainable on the ground of delay.

The aforesaid circumstances which were specifically pleaded in the application had taken place after filing of the ejectment petition unfortunately have not been taken into consideration in proper perspective. The Apex Court in **Ram Kumar Barnwal Vs. Ram Lakhan (dead) (2007) 5 SCC 660** has held that subsequent events can be brought on record. Even otherwise the Rent Controller had to decide the issue of bonafide requirement and by allowing the amendment it would have helped it to decide the real controversy between the parties. The petitioner could also have also filed a fresh petition on the same cause of action by withdrawing the earlier petition. This Court in **Surinder Kaur Bakshi Vs. M/s Chopra Glass House and others 2013(3) PLR 142** has held that subsequent events have to be taken into consideration and need can be readjusted for member of the family by including appropriate averments and the landlord should not be driven to file a separate petition. The tenant would also not have to deal with the proposition to defend another case.

Resultantly, this Court is of the view that the order dated 17.10.2014 (Annexure P/1) passed by the Rent Controller, Ambala was not justified and the same is accordingly set aside. The Rent Controller, Ambala shall allow the amendment as proposed.

Accordingly, the present revision petition is allowed.

February 09, 2017
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(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No