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

**Civil Misc. No.24341-CII of 2016 in/and
Civil Revision No.8248 of 2016
Date of decision: 19.01.2017**

Sandeep Kumar @ Sandeep Ohri

...Petitioner

Versus

Partap Kaur and others

...Respondents

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

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Civil Misc. No.24341-CII of 2016

Prayer made in the present Civil Misc. Application for placing on record photocopies of Annexures P/1 to P/4 and granting exemption from filing certified copies thereof is allowed subject to just exceptions.

The Civil Misc. Application stands disposed of accordingly.

Civil Revision No.8248 of 2016

The petitioner-tenant challenges the order dated 22.8.2016 (Annexure P/1) whereby the Rent Controller, Ludhiana had allowed the amendment of the ejectment application.

The amendment sought by the respondent-landlady was that her daughter, namely, Bhavdeep Kaur had got married to one Amardeep Singh in the year 2010 and stayed at Delhi and thereafter couple had shifted to Ludhiana and now her daughter was staying in the house of the respondent-landlady and only went to her matrimonial home in the evening because she is a widow and living alone. Thus, requirement of the demised premises

was on account of the need of her daughter.

Initially the eviction petition which was filed was also on the ground of bonafide requirement but at that point of time, the claim was based on the ground that respondent-landlady had required the premises in question for her daughter-in-law Amarjit Kaur for running a boutique. But her daughter-in-law had left the house and she had gone to reside at her parents' house. It was not disputed that at the initial stage the ejectment application was filed on 10.2.2011 by the respondent-landlady for the need of her widowed daughter-in-law, who was living with the her, but during pendency of the ejectment application, she left the house. During the pendency of the proceedings, subsequent events had taken place which led to her daughter to come to Ludhiana and who had started spending time with the respondents-landlady. Thus, circumstances had changed and now the need of demised premises was for her daughter. In such circumstances, amendment which had been allowed would not prejudice the petitioner-tenant in any manner.

The argument raised that issues were framed on 31.3.2015 and thereafter application for amendment was filed on 30.5.2016 after one year would of no help to the petitioner-tenant and were rather detrimental to the respondent-landlady as delay has been caused in the disposal of the ejectment application.

In view of the fact that there has to be a liberal view qua the plea of amendment of pleadings specially for the person who had initiated the litigation and subsequent events can be brought on record, this Court is of the opinion that the amendment has been validly allowed. It would also

be open to the landlady to initiate fresh proceedings on the same cause of action.

In such circumstances, this Court is of the opinion that there is no infirmity or illegality in the impugned order dated 22.8.2016 which would warrant interference by this Court.

Accordingly, the present revision petition is dismissed.

January 19, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No