

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

Civil Revision No.917 of 2015

Date of Decision: 22.11.2017

Rajesh Sharma

..... Petitioner

Versus

Pushpinder Singh Cheema

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Kunal Mulwani, Advocate for the petitioner/tenant.

Mr. Divanshu Jain, Advocate for the respondent/landlord.

JASWANT SINGH, J. (ORAL)

The tenant is in revision directed against the order dated 23.01.2015 (**Annexure P-6**), passed by learned Rent Controller, Chandigarh, whereby his application under Order 6 Rule 17 of the CPC for amendment of the application for leave to contest, filed under Section 18-A of the East Punjab Urban Rent Restriction Act, 1949 (for short '1949 Act') within time, has been declined on the ground that such amendment is not maintainable.

It is undisputed that the NRI landlord/respondent has filed an eviction petition under Section 13-B of the East Punjab Urban Rent Restriction (Amendment) Act, 2001 (**Annexure P-1**) seeking eviction of the petitioner/tenant from the demised premises comprising Rear Portion of the 2nd Floor of SCO No.383, Sector 37-D, Chandigarh and an application dated 26.06.2012 (**Annexure P-2**) by the tenant for leave to contest under Section 18-A of 1949 Act stands filed within the stipulated time of 15 days. However, subsequently, an application dated 07.10.2014 (**Annexure P-4**) for amendment of the application under Section 18-A of 1949 Act to incorporate the pleas, which have

subsequently come to the notice of the tenant, has been filed. The said application has been dismissed on the ground that the same is not maintainable, vide impugned order dated 23.01.2015 (**P-6**).

At the time of hearing, learned Counsel for the respondent/landlord very fairly concedes that the issue is no longer *res integra*. He concedes that this Court, vide judgment dated 02.05.2011, passed in **Civil Revision No.6140 of 2010** titled as '**M/s Ghazal Restaurant and another Versus Mrs. Samarbir Kaur @ Samarbir and others**' and vide judgment dated 20.03.2012, passed in **Civil Revision No.767 of 2012** titled as '**Amar Manchanda and another Versus Abhey Man Singh Sidhu @ Abhey Man Sidhu and another**', has held that the amendment of subsequent events is permissible. He, thus, has no objection if the impugned order dated 23.01.2015 (**P-6**) is set aside and the revision is allowed and the matter is remanded back to learned Rent Controller, Chandigarh for a fresh decision on the amendment application dated 07.10.2014 (**P-4**) on merits.

In response, learned Counsel for the petitioner/tenant has no objection if the said recourse is adopted.

In view of the above, the present petition is allowed. The aforesaid impugned order dated 23.01.2015 (**P-6**) is set aside. Learned Rent Controller, Chandigarh is directed to pass a fresh order on the amendment application dated 07.10.2014 (**P-4**) on merits in accordance with law.

November 22, 2017
Gagan

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>