

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

109

CR-1203-2018(O&M)

Date of Decision : 27.04.2018

Mehra Shawls and another

..... Petitioners

Versus

Vijay Kumar Rehlan and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Amit Jain, Advocate
for the petitioners.

Mr. A.P. Bhandari, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This revision has been filed against the order dated 15.01.2018 declining an application for amendment of written statement.

The amendment sought is with regard to the subsequent event that one of the three shops owned by the respondents had been vacated during the pendency of the case and had been let out by them again.

Counsel for the respondents has argued that the factum of vacation and letting out is not disputed and would have no affect on the merits of the case. His contention was that this amendment is being sought only to prolong the matter at this belated stage.

Counsel for the appellants has countered by arguing that since the respondents have not disputed the fact that one of the three shops owned by them was vacated and let out repeatedly, he would not lead any evidence to this effect and he would have not even seek to make a formal amendment

in the written statement if the counsel for the respondents agrees that the petitioners would have the right to argue on the merits of the case on the fact that during the pendency of the matter one of the three shops owned by the respondents had been repeatedly vacated and let out.

Counsel for the respondents reiterates that one such vacation and letting out was already brought before the Rent Controller who has correctly held that it is not relevant.

Counsel for the petitioners disputes the argument that these acts of vacation and letting out are not relevant.

Be that as it may, the petition is disposed of with the direction that the petitioners would be entitled to raise the argument that one of the three shops owned by the respondents-landlord has been repeatedly vacated and let out. Obviously the Court will consider the arguments of both the parties and then decide the case.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

April 27, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No