

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 2625 of 2018 (O&M)

Date of Decision : 24.04.2018

Sushil Aggarwal

....Petitioner

Versus

Gobind Bahadur Singh @ Gobind Singh & others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sharad Mehra, Advocate
for the petitioner.

Surinder Gupta, J. (Oral)

Heard.

Respondents, Gobind Bahadur Singh @ Gobind Singh and Satwinder Kaur, filed petition seeking ejectment of revision-petitioner from the demised premises on various grounds available to respondents-landlords under the provisions of East Punjab Urban Rent Restriction Act, 1949. During pendency of ejectment petition, revision-petitioner moved application seeking amendment to add following lines towards end of para (v) of written statement:-

“That now, during the ejectment application, the applicants have allowed such Pradeep Kumar against consideration to raise construction over the shop under his possession and it is learnt that after receiving a handsome consideration, the applicants have allowed aforesaid Pradeep Kumar to raise construction over the shop earlier in his possession. Photographs showing new construction having been raised by Pradeep Kumar are annexed for the

kind perusal of the Hon'ble Court and on account of such construction having been allowed to be raised by Pradeep Kumar, it is crystal clear that the ground of bona fide need as set up by the petitioner is not existing in their favour and the petitioners are trying to give colour of genuineness to the things which actually do not exist."

The amendment was declined by learned Rent Controller with observation that no litigation regarding shop, where construction is alleged by the revision-petitioner, has been filed.

Learned counsel for revision-petitioner argues that allowing of construction over the shop under tenancy of Pradeep Kumar shows that landlord is not having any need of the demised premises. He has in fact received a handsome amount from Pradeep Kumar and allowed him to raise construction.

On perusal of the petition and order passed by learned Rent Controller, I find that amendment sought is irrelevant and not material to facts of the case. Even if it be believed that Pradeep Kumar, tenant in one of the shop under respondents-landlords, has been allowed to raise some construction, it has nothing to do with tenancy of present revision-petitioner and *bona fide* need of the demised premises as projected by respondents-landlords for this shop. As to whether Pradeep Kumar has been allowed to raise any construction or he is raising construction of his own without permission of respondents-landlords, is not a subject matter to be looked into or decided by learned Rent controller in the present petition.

Amendment sought by revision-petitioner in no manner will help learned Rent Controller in decision of ejectment petition in an effective or proper manner. Learned Rent Controller has rightly declined the application filed by revision-petitioner.

This revision petition has no merit and the same is dismissed.

April 24, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No