

In the High Court for the States of Punjab and Haryana
at Chandigarh

CR No.2718 of 2018
Date of Decision:- 16.05.2018

Shankar Singh		Petitioner
	Versus	
Satnam Singh and others		Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Amandeep Singh Manaise, Advocate, for the petitioner.

GURVINDER SINGH GILL, J.

1. By way of filing this revision petition, the petitioner-tenant assails order dated 5.4.2018 passed by learned Rent Controller, Batala, whereby an application filed by the petitioner-tenant seeking amendment of his written statement has been dismissed.
2. A few facts necessary to notice, for disposal of this revision petition are that the respondent-landlord filed an ejectment application seeking ejectment of the petitioner-tenant *inter alia* on the ground of personal necessity.
3. The petitioner-tenant filed written statement resisting the ejectment application. When the matter was at the stage of recording evidence of the petitioner-tenant, an application was filed under Order VI Rule 17 CPC seeking amendment of the written reply so as to incorporate certain facts to the effect that during pendency of the ejectment application the respondent-landlord had vacated an adjoining shop which was now lying closed and that he owns other properties as well. The following paragraph was sought to be incorporated in the written statement:

“That, it is pertinent to mention here that during the pendency of the present case the petitioner has left the adjoining shop situated in the western side of the shop in dispute and the same was lying closed for last about 8-10 months and the petitioner is not doing any work in the said shop and now recently about twenty days back he has given the said shop on rent to one person namely Pappa who is already having his workshop near the shop in dispute and now the day he is working and doing his business in the shop situated on the western side of the shop in dispute and hence it clearly shows that the petitioner does not require the shop in dispute for his bonafide necessity and he filed the present case only with intention to get the shop in dispute vacated without any bonafide need. It is further pertinent to mention here that the petitioner is also having the other properties situated within the Municipal Limits of Batala at Bhullar Road, Batala situated within the Revenue Estate of Kotla Nawab which falls within the Municipal Limits of Batala and the petitioner is having sufficient vacant premises in his possession for running the business and said Bullar Road is already having various industrial units and further the petitioner is creating new tenancies time to time in other properties of his ownership the petitioner deliberately concealed the said fact from this Hon'ble Court”

4. The learned Rent Controller, Batala, however, dismissed the application vide impugned order which has been challenged by way of filing the revision petition.

5. I have heard learned counsel for the petitioner and have also perused the impugned order as well as the application under Order VI Rule 17 CPC filed on his behalf.
6. The present case is a case, filed by the respondent-landlord seeking ejectment, mainly on the grounds of *bona fide* personal necessity which is being contested by the petitioner-tenant. Needless to mention, the petitioner-tenant upon entering evidence would be at liberty to lead evidence to negate the ground of personal necessity taken by respondent-landlord by way of leading evidence to the effect that landlord has other identical vacant premises in his possession. Evidence as regard such facts is necessarily to be considered while assessing bona fide personal necessity of landlord. To lead evidence of this nature, there is certainly no need for amendment of the written statement. The matter in any case is stated to be still at the stage of recording evidence of the petitioner-tenant.
7. With the aforesaid observations, I do not find any case warranting interference in the impugned order.
8. Finding no merit in the revision petition, the same is hereby dismissed.

May 16, 2018

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No