

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

CR-3302-2018 (O&M)

Date of Decision:-17.5.2018

Kamal Kishore Kharbanda

... Petitioner

Versus

Ranjit Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Sharma, Advocate for the petitioner.

GURVINDER SINGH GILL, J.

By way of filing this revision petition, the petitioner/tenant assails order dated 24.4.2018, whereby his application under Order 6 Rule 17 CPC (Annexure P-3), seeking permission to amend his written reply to the ejectment application, has been declined.

The respondent/landlord had filed ejectment application *inter alia* on the ground that the petitioner has made material additions and alterations in the property in dispute, which have impaired the value and utility of the demised premises. The ejectment application is being contested by the tenant, who filed his written reply. However, subsequently an application under Order 6 Rule 17 CPC (Annexure P-3), seeking amendment of the written reply was filed by petitioner, wherein the following paragraph was sought to be incorporated in the written reply:-

“That the other shops of petitioner i.e. Ram Trunk House, Chahat Beauty Parlor and other shops adjoining the shop in disputes were very low from the level of road and deceased

Harcharan Singh also permitted said tenants to up the level of shop and all said tenants had also repaired said shops from their own pocket. That proposed amendment has been sought at the earlier opportunity.”

The learned Rent Controller, upon considering the aforesaid application, declined the same holding therein that the said facts are only elaborative of the earlier stand taken by the tenant.

I have heard the learned counsel for the petitioner and have perused the impugned order as well as the ejectment application and the applicaiton under Order 6 Rule 17 CPC filed by the petitioner.

The core issue as per ejectment application is as to whether the material changes impairing value and utility of demised premises had been carried out by the tenant without the consent of the landlord. The amendment in the written statement sought to be made is infact pertaining to the same very issue, wherein the tenant seeks to plead that the tenants in the adjoining shops had already carried out necessary repairs and changes in the shop. I find that any fact pertaining to the changes made in the demised premises or as to whether the same were made with or without consent of landlord or as to whether any similar changes have been made in the adjacent premises would pertain to the core issue itself involved in the matter i.e. regarding the impairment of the value and utility of demised premises in question. Evidence as regards such facts which embrace the core issue can very conveniently be led by the petitioner, while rebutting the case of the plaintiff regarding material impairment of demised premises and no amendment in the written statement is required.

I do not find any infirmity in the impugned order and the same is hereby affirmed.

With the aforesaid observations, the present revision petition stands disposed of.

17.5.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No