

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

CR No.3671 of 2017 (O&M)

Date of decision : 07.09.2018

Parkash Kaur (since deceased) through LR ...Petitioner

Versus

Bhupinder Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anil Chawla, Advocate for the petitioner.

Mr. Kushagra Mahajan, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The landlord is in the revision petition against the order passed by the learned Rent Controller dated 01.05.2017, dismissing the application for amendment of the rent petition.

Late Smt. Parkash Kaur had filed the petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, praying for decree of eviction against the tenants-respondents on the ground that the premises is required for bona fide requirement of grandson namely Rajinder Singh.

During the pendency of the petition, Smt. Parkash Kaur died. In her place, Narinder, the son was impleaded as a legal heir. He filed an application for amendment of the petition after noticing that another commercial property has not been disclosed in the petition. The aforesaid application has been dismissed on the ground that since Smt. Parkash Kaur had concealed the fact, therefore, the petitioner is filling up the lacunas in the case which is not permissible.

This Court has heard the learned counsel for the parties.

Learned counsel for the respondents has pointed out that once there is a concealment of fact, there cannot be any amendment to disclose the facts concealed.

This Court is of the considered view that this is not the correct position of law. If a landlord, during the pendency of the petition, has moved an application disclosing other properties owned or possessed by him, the application cannot be dismissed on the ground that initially there was concealment. Still further, there is an event which has happened during the pendency of the petition. Original landlord Smt. Parkash Kaur had died. She was a old lady. Narinder Kumar, her son has stepped into the shoes. Once he has stepped into the shoes and on reading of the petition, he has come to know that some facts have not been disclosed, hence he filed an application praying for amendment. The application for amendment could not be dismissed on the ground of concealment by the original petitioner and, therefore, cannot be cured by the legal heir.

In view thereof, the order under challenge is set aside. The present revision petition is allowed. An application for amendment shall stands allowed. The tenants shall be at liberty to file reply and thereafter the Rent Controller would grant opportunity to both the parties to lead evidence.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

07.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No