

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) Civil Revision No.4516 of 2013 (O&M)
Date of Order:12.09.2018

Darshan Kumar

..Petitioner

Versus

Kuldip Singh

..Respondent

(2) Civil Revision No.7528 of 2013 (O&M)

Kuldip Singh

...Petitioner

Versu

Darshan Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. I.B.Bhandari, Advocate,
for the petitioner (in CR NO.7528 of 2013)
for the respondent (in CR NO.4516 of 2013)

Mr. Santosh Sharma, Advocate,
for the petitioner (in CR No.4516 of 2013)
for the respondent (in CR NO.7528 of 2013)

ANIL KSHETARPAL, J(Oral)

Landlord as well as tenant have filed cross revision petitions against the order passed by the learned Appellate Authority while returning a finding that the grounds of material impairment in the value and utility of the building is made one for eviction of the tenant whereas reversing the judgment passed by the trial court on the ground of bonafide necessity of the daughter.

It is not in dispute that during the pendency of the present revision petition, the daughter for whose bonafide requirement was pleaded has since died.

Counsel for the landlord submits that he may be permitted to amend the petition to incorporate the bonafide requirement of legal heirs. In absence of the pleadings to that effect, before the Rent Controller, it will not be possible for this court to record any finding in absence of any evidence.

As regards ground of material impairment in the value and utility of the building, the tenant is also in the revision petition.

Keeping in view the subsequent development, it is considered appropriate that the landlord-petitioner be permitted to amend the petition and the learned Rent Controller be requested to re-decide the matter afresh after considering the amended pleadings to be filed and the evidence led.

Keeping in view the aforesaid, both the revision petitions are disposed of in the manner indicated above.

The parties through their counsels are directed to appear before the learned Rent Controller on 25.09.2018. Learned Rent Controller would make a sincere attempt to decide the eviction petition afresh preferably within a period of one year.

Needless to say that the landlord-petitioner would be at liberty to enforce the order passed by this Court while directing the tenant to pay mesne profit.

September 12, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No