

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 4844 of 2018(O&M)
Date of Decision:06.12.2018

Baljinder Singh @ Lucky

.....Petitioner

Versus

Harbaksh Kaur and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Swati Verma, Advocate
for the petitioner.

Mr. Mohd. Yousaf, Advocate
for respondent no.1.

LISA GILL, J.

Petitioner is aggrieved of order dated 11.07.2018 (Annexure P-1), passed by the learned Civil Judge (Jr. Division), Ludhiana, whereby application under Order 6 Rule 17 read with Section 151 CPC, filed by him seeking amendment of the written statement, has been dismissed.

It is contended that during the pendency of the rent petition filed by the respondent-landlord, adjoining property which was lying vacant has been rented out by the landlord to one M/s Chawla Chicken. This demolishes the ground of *bona fide* personal necessity put-forth by the landlord. Therefore, amendment in the written statement to this effect is essential and the learned Rent Controller, Ludhiana, has wrongly dismissed the petitioner's application. It is thus prayed that the present petition be allowed.

Learned counsel for respondent no.1 while refuting the said averments submits that in the rent petition, it is specifically mentioned that respondent no.1 became owner of shop no.7 and 8 being part of property no. B-XX-2650/2, earlier number being B-XX-2650. Mother-in-law of

respondent no.1 bequeathed the property to the present respondent along with other daughter-in-laws of hers. It is submitted that shop no.8, which was in possession of the present petitioner and respondents no.2 and 3, was sub let to respondent no.4. Shop no.7 of which the respondent-landlord is the owner, it is submitted was not rented out to M/s Chawla Chicken at the time of filing of the eviction petition but said tenant was in possession prior thereto. It is specifically mentioned in the eviction petition that in case the landlord feels the requirement for expansion of her work, the other tenants would be asked to vacate the premises. Learned counsel for respondent no.1 categorically submits that respondent no.1 has no concern with the premises which may have been given on rent to M/s Chawla Chicken during the pendency of the rent petition and his client does not stake any claim qua said part of the property. Therefore, amendment in question is not necessary. It is thus prayed that the present petition be dismissed.

Heard learned counsel for the parties.

Learned counsel for the petitioner does not deny that M/s Chawla Chicken was in possession of one of the shops at the time of the filing of the petition. During the pendency of the petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, another shop in question is claimed to have been rented out by the respondent-landlord to M/s Chawla Chicken. Respondent no.1 has specifically denied that she has given any part of her premises on rent subsequently and she stakes no claim to that property if at all given out on rent during the pendency of the rent petition. Learned Rent Controller has observed that there is nothing on record to indicate that the shops claimed to be rented during pendency of the

rent petition belonged to the landlord.

Keeping in view the specific stand of respondent no.1, I do not find any ground whatsoever to interfere in the impugned order dated 11.07.2018 passed by the learned Civil Judge (Jr. Division), Ludhiana.

Petition is accordingly dismissed with no order as to cost.

06.12.2018		[LISA GILL]
s.khan		Judge
	Whether speaking/reasoned :	Yes/No.
	Whether reportable :	Yes/No.