

In the High Court of Punjab and Haryana at Chandigarh

CR No. 5050 of 2018(O&M)

Date of Decision: 7.8.2018

Sardool Singh

---Petitioner

versus

Paramjit Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Sharad Mehra, Advocate
for the petitioner**

Rekha Mittal, J.

The present petition directs challenge against order dated 20.7.2018 whereby application filed by the petitioner-tenant before the Appellate Authority for amendment of the written statement has been dismissed.

The respondents have initiated eviction proceedings for requirement of the demised premises by Gurbir Singh Oshan who has obtained degree of MBA from Conventry University, New York and he wants to come to Amritsar to settle his business of accountancy in the tenancy premises. By way of the proposed amendment, the petitioner sought to aver that Gurbir Singh and his wife are residing in New York. They are permanent residents of New York. The address of the company as well as photographs where Gurbir Singh and his wife are working is given by producing the relevant documents obtained from linked in. The

residential address, official address, qualification as well as other particulars are mentioned in the said documents. The petitioner has also been able to obtain photographs of marriage of Gurbir Singh and his wife. All these facts prove that Gurbir Singh and his wife are permanent residents of USA and they are doing their professional work at Fresh Meadows, New York (USA).

Counsel for the petitioner would urge that the facts sought to be pleaded by way of amendment are material and necessary for proper adjudication of the matter involved in the lis. The proposed amendment will neither change nature of defence when otherwise amendment of written statement stands on a better footing than that of plaint/petition.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

Perusal of the judgment passed by the Rent Controller would reveal that one of the contentions raised by the petitioner is that son of the applicant is settled in New York and now his requirement is not genuine. The learned Rent Controller has not rejected plea of the petitioner with regard to Gurbir Singh being settled in New York but has rejected the said plea with the observations that the instant case was filed in the year 2005 on the ground of bona fide need and it is not expected from any young educated boy to remain idle till disposal of the case. Even before the Rent Controller, the petitioner sought to rely upon documents Ex. RW3/1 to RW3/7 downloaded from the web to substantiate his plea with regard to settlement of Gurbir Singh in New York. That being so, nothing new has been sought to be pleaded by way of the proposed amendment in order to accept contention of the petitioner that in case the proposed amendment is

not allowed, it would be prejudicial to the petitioner to contest claim of the respondents-landlords. In this view of the matter, the petition is not meritorious and liable to be rejected.

For the foregoing reasons, the petition is dismissed. However, nothing stated hereinbefore shall cause prejudice to right of the petitioner to raise all available contentions before the Appellate Authority, in accordance with law.

(Rekha Mittal)
Judge

7.8.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No