

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5671 of 2016 (O&M)
Date of Order:06.08.2018

Mohan Lal

..Petitioner

Versus

Smt. Saroj Gupta and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Munish Gupta, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

Tenant-petitioner is in the revision petition against the order passed by the learned Rent Controller permitting the landlords to amend the petition and plead certain facts which have come to the notice of the landlords during the pendency of the petition.

Learned counsel for the tenant-petitioner has submitted that in original petition, landlords had pleaded that the premises was let out to the respondent, whereas now it is sought to be pleaded by way of amendment that the premises was let out to the father of the tenant late Sh. Prem Chand. In the original petition, it was pleaded by the petitioners that the ground floor of the premises has been let out to the respondent for 30-35 years.

In the present case, tenant has disputed relationship of landlord and tenant. During the pendency of the petition, landlords filed an application, pleading that in an old trunk they have found out certain

records which shows that the shop was let out by their father in favour of father of the tenant-petitioner and they have found out certain old receipts and copy of legal notice dated 06.11.1969.

Learned Rent Controller after considering all aspects of the matter, allowed the application subject to the payment of costs of Rs.500/-.

Learned counsel for the tenant-petitioner has submitted that the landlords are now filling up the lacuna and now want to plead contrary to what has been pleaded in the original petition. He further submitted that the trial is at the fag end and, therefore, at this stage application could not be allowed.

This court has considered the submissions, however, find no substance therein.

It is very much asserted in the original rent petition that the premises was let out to the respondent for the last more than 30-35 years. If during the pendency of the petition, landlords came to know that the premises was let out to the father of the tenant-petitioner by the predecessor of the landlords particularly in view of the fact that the tenant-petitioner had denied the relationship of landlord, such pleadings are only clarificatory in nature and cannot be said to be contrary to what was pleaded in the original petition.

Still further the learned Rent Controller is to decide the case. In order to do justice between the parties if certain documents which were found by the landlords during the pendency of the petition, the application to plead and prove those facts has been allowed, this court does not find any perversity in the order passed.

Last argument of learned counsel is that the trial is at the fag end.

No doubt, the trial is at the fag end, however it is specifically pleaded by the landlords that recently they came to know of these facts when they opened an old trunk lying in the house and they discovered that certain rent receipts and a copy of old legal notice are available.

In view thereof, there is no scope for interference.

The revision petition is dismissed.

August 06, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No