

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.5341 of 2018
Date of decision: August 18, 2018

Dharamveer

...Petitioner

Versus

Balraj Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sarbjit Singh Khaira, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 19.7.2018, passed by the Rent Controller, Gurdaspur, whereby application under Order 6 Rule 17 CPC filed by the petitioner for amendment of written statement, has been dismissed.

It has been urged before the court that the trial court gravely erred in dismissing the application for amendment of the written statement. By way of proposed amendment, petitioner wants to prove that Executive Engineer, UBDC Division, Jail Road, Gurdaspur being owner of the premises in question, is a necessary party.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, respondent Balraj Singh filed an application under Section 13 of the East Punjab Urban Rent Restriction Act for ejectment of petitioner from a shop, situated at Chahal Market, Nawi Abadi Dhariwal, District Gurdaspur. During pendency of the application, petitioner filed instant application for amendment of written statement pleading that

Executive Engineer, UBDC Division, Jail Road, Gurdaspur, being owner of the premises in question is necessary to be impleaded as party to the litigation. After considering rival contentions of the parties, the Rent Controller has dismissed the application by observing that Executive Engineer, UBDC Division, Jail Road, Gurdaspur has already filed application under Section 5 of the Punjab Public Premises Eviction of the Unauthorized Occupants Act, 1971 against the petitioner before the Sub Divisional Magistrate, Gurdaspur. Petitioner has also filed a suit for declaration and permanent injunction against respondent No.1 Balraj Singh with a prayer for declaring Executive Engineer, UBDC Division, Gurdaspur to be owner of the property in question. With the similar averments, petitioner has filed instant application. I find no infirmity with the order passed by the Rent Controller. It appears, earlier petitioner also filed an application for amendment of written statement with the similar averments, which was dismissed by the trial court on 07.12.2016 and revision against the said order was also dismissed by this court on 25.05.2017. Petitioner has not been able to disclose the fate of the petition under section 5 of the Punjab Public Premises Eviction of the Unauthorized Occupants Act, 1971, pending before Sub Divisional Magistrate, Gurdaspur. I find no ground to interfere in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

August 18, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No