

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**118**

**CR-573-2018 (O&M)**

**Date of Decision : 29.01.2018**

M/s Shakti Press

..... Petitioner

Versus

Ashok Kumar and another

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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Present : Mr. Divanshu Jain, Advocate  
for the petitioner.

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**AJAY TEWARI, J. (Oral)**

This revision has been filed against the order dated 08.12.2017 passed by the Rent Controller, Amritsar declining the application seeking amendment of the written statement.

The petitioner is a tenant of two shops owned by the respondents. The respondents had filed an eviction petition against the petitioner on twin grounds, i.e. non-payment of rent and personal necessity for individual shops. In the reply, the petitioner had denied the averments made in the eviction petition or that the respondents satisfied the strict parameters of Section 13(3)(a) (which deals with bonafide necessity) of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the Act') . It is alleged that during the cross-examination of one of the respondents she was constrained to admit that she owned other properties and immediately thereafter the instant application has been filed for amendment of the written statement which has been wrongly rejected.

The Rent Controller has held that once the petitioner had taken a plea that the respondents were not entitled to get the property evicted on the ground of bonafide requirement, it was open to him to lead evidence which would disentitle the respondents from the same.

Counsel for the petitioner has raised an apprehension that the petitioner did not know that the respondents owned other properties when he had filed the reply and he may not be precluded from leading this evidence.

In my opinion, once the Rent Controller has held that the petitioner would be entitled to lead all evidence which would disentitle the respondents from claiming the benefit of Section 13(3)(a) of the Act, the apprehension of the petitioner would not arise and the petitioner would not be precluded from leading evidence regarding the disentitlement of the respondents to invoke Section 13(3)(a) of the Act.

Consequently, the petition stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**January 29, 2018**  
*ashish*

**( AJAY TEWARI )**  
**JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No