

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

**CR-5982-2017 (O&M)
Date of decision: 15.02.2018**

Avtar Singh

...Petitioner

Versus

Jawand Singh

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jaideep Verma, Advocate,
for the petitioner.

Mr. Aditya Dassaur, Advocate,
for the respondent.

Ritu Bahri, J.

Challenge in this petition is to the order dated 08.03.2017 passed by the Rent Controller, Ludhiana, whereby application filed by tenant-petitioner under Order 6 Rule 17 CPC for amendment of the written statement, has been dismissed.

Petitioner is tenant and is facing a rent petition, filed by landlord-respondent, since 2012. At the stage of recording of evidence, petitioner has filed the present application for amendment of the written statement, stating therein that landlord's son namely Harjit Singh, who was stated to be running his business under the name and style of M/s Harjit Cloth House, had got a shop vacated from previous tenant and thereafter, the same has been further let out to some other person namely Ismail, who is carrying on

his business of selling bangles and artificial jewellery.

In reply to the application, specific stand of landlord-respondent is that his son was still doing the same business in the said shop and in addition to it, he has started the business of selling of artificial jewellery in the same shop.

Learned counsel for respondent-landlord has also stated that in a separate eviction petition in respect of an adjoining shop, application for amendment was made on the same ground, which was dismissed by the trial Court. Against the said order, tenant-petitioner had preferred Civil Revision No.7381 of 2014, which was dismissed vide order dated 08.12.2015 passed by this Court.

A perusal of the order dated 08.12.2015 shows that the landlord had taken a stand that neither his son (Harjit Singh) had got vacated the demised shop nor the same had been re-let to any other person. In fact, Harjit Singh had also started the business of artificial jewellery in addition to his existing business.

While dismissing the aforesaid revision, this Court had observed that since the matter was at the stage of recording tenant's evidence, he would be at liberty to adduce appropriate evidence and prove what he sought to plead by a proposed amendment. It was further observed that in case, any such evidence is brought on record, the Rent Controller shall evaluate the same while drawing the final analysis of the matter at the stage of arguments.

Keeping in view the stand taken by the land lord (respondent), present petition is dismissed. However, tenant-petitioner is at liberty to lead appropriate evidence and prove what he seeks to plead in the application. In

that eventuality, the Rent Controller shall evaluate the same at the final stage of the petition.

15.02.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No