

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

Civil Revision No.6145 of 2018

Date of Decision:25.10.2018

Pratima Kharbanda

..... Petitioner

Vs.

Gurjinder Singh

.... Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Akashdeep Sethi, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

By this petition the petitioner seeks quashing of the order dated 03.08.2018 (Annexure P-6) passed by the learned Rent Controller, Malout.

Pursuant to the notice issued, Mr.Abhishek Jhamb, Advocate, appears for the respondent and has filed his power of attorney, which is taken on record.

Learned counsel for the petitioner has pointed out that as regards the application under Order VI Rule 17 of the CPC (a copy of which is Annexure P-4), on merits, even in the reply filed by the respondent-tenant (a copy of which is Annexure P-5), the correctness of the amendment sought, i.e. of the dimensions of the shop in question have not been denied, with the objection simply being that the amendment could not be allowed at that stage, as it would change the subject matter of the petition.

Though before this Court learned counsel for the respondent has argued that actually the shop measures only 8' X 11' , without making any comment on the actual correctness of the dimensions given by either

side, in my opinion the application for amendment having been moved before the Rent Controller at a stage when even the cross-examination of the petitioner (as PW1), had not been conducted, I see no reason to disallow the petition or the amendment.

Consequently, this petition is allowed with the impugned order set aside. The amendment sought by the petitioner would be allowed, with, naturally, the respondent at liberty to file a reply thereto even disputing the correctness of the dimensions of the shop in question, if he wishes to dispute them.

Disposed of.

(AMOL RATTAN SINGH)
JUDGE

October 25, 2018.
dharamvir

Whether speaking/reasoned	: YES/NO
Whether Reportable	: YES/NO