

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

116

CR-631-2018 (O&M)
Date of decision: 01.02.2018

NARINDER KUMAR @ LALLY

.... Petitioner

versus

RAJESH KUMAR SHARMA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. M.K. Singla, Advocate for the petitioner.

Rekha Mittal, J(Oral)

The present petition has been directed against order dated 05.12.2017 passed by the Rent Controller, Sunam whereby application for amendment of the rent application has been dismissed.

Counsel for the petitioner has submitted that the petitioner filed an application for eviction of the respondent from shop No.9 detailed in headnote of the application (Annexure P2) on the ground of non-payment of rent. During pendency of the proceedings, the petitioner left his previous business as contractor of liquor vend and intended to start business of sale of furniture, creating a ground of *bona fide* personal necessity of the premises in question. It is argued that in case petitioner is not permitted to amend the petition, it would lead to multiplicity of proceedings between the parties.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

As per averments raised in the application, ground for ejectment on the premise of *bona fide* personal necessity has accrued subsequent to filing of the petition. Any amendment allowed by the Court would relate back to the date of petition, meaning thereby that the petitioner would be allowed to plead the ground of personal necessity from the date prior to the said plea has become available to the petitioner. Under the circumstances, I do not find any reason to interfere in the order passed by the Court below. However, the petitioner may take recourse to appropriate remedy in accordance with law for seeking ejectment of the respondent on the ground of personal necessity.

Disposed of accordingly.

(REKHA MITTAL)
JUDGE

01.02.2018
ashok

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No