

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

**C.R. No. 7384 of 2017 (O&M)
Date of decision : 26.02.2018**

Jagan Nath SinglaPetitioners
versus

Gurcharan Singh ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ishan Gupta, Advocate
for the petitioner.

Mr. Arun Jindal, Advocate
for the respondent.

RITU BAHRI, J. (Oral)

The present petition is for setting aside of impugned order dated 21.09.2017 passed by learned Rent Controller, Sangrur whereby application filed by the petitioner under Order 6 Rule 17 CPC for permission to amend the reply to the petition, was dismissed.

A bare perusal of the impugned order shows the petitioner was inducted as tenant for doing commercial work from the shop. The nature of the property was of commercial nature. The only argument raised by the petitioner before the Court below was that the respondent had not prepared or sanction any site plan from the Municipal Council.

The application was dismissed by the Rent Controller in view of the judgment of Himachal Pradesh High Court in a case of ***Ramesh Chand Jaswal vs. Roshan Lal Verma, 2016 (1) RCR (Rent) 229 HP*** wherein it has been held that there is no need for the landlord to get sanctioned site plan to establish his bona fide. Approved construction plan is not a sine-quo-non for filing an eviction petition. In case Jagat Pal Dhawan vs. Kahan Singh 2003(1) SCC 191, it has been held that the landlord is the best judge of his need and he cannot be non-suited merely because he

does not have sanctioned plan from Municipal Council for reconstruction of the building.

In view of the above factual position, the petition stands dismissed. However, the petitioner is at liberty to cross examine the respondent on the point of change of land use.

February 26, 2018
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>