

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM No.6730-CII of 2018 in/and
CR No.8067 of 2017 (O&M)
Date of Decision : 03.07.2018

Mohd. Ashgar

..... Petitioner

Versus

Mohd. Hussain

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Anil Kumar Garg, Advocate
for the applicant-petitioner.

Mr. Varun Jain, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

CM No.6730-CII of 2018

This application has been filed to place on record documents
(Annexures P-7 to P-9).

Learned counsel for the respondent states that these documents
have absolutely no relevance and were not before the Court below.

In the circumstances, they are taken on record. Their
admissibility and relevance would be decided at the time of arguments.

CR No.8067 of 2017

This petition has been filed against the order of the appellate
authority dismissing an application for amendment moved by the tenant.

The respondent had filed a petition for the eviction of the tenant on the

ground that he required the premises in dispute for the residence of his married son. The plea of the tenant was that that married son owned a plot and this fact was accepted during the cross examination by the respondent. Notwithstanding the same the Rent Controller allowed the petition. The petitioner filed an appeal and it is during this appeal that he moved the present application for amendment to take the plea that during the pendency of the case that son of the respondent had built a house. The appellate Court having dismissed the application for amendment the present revision has been filed.

Learned counsel for the petitioner has argued that the fact that married son of the respondent has built a house now would completely erode the ground taken for ejectment. That, of course is one way of looking at it. Another way of looking at it could be that the requirement has to be seen as on the date of filing the petition and subsequent events cannot dominate that. There may be a case where a landlord wants the eviction of a commercial premises for the purpose of settling dependent in business. Such case may be pending for years and during that time that dependent may take a job. Can it be said that the personal necessity has ceased? Moreover in the present case, the appellate authority found that the case of the respondent in response to the application for amendment was that the plot had been gifted by that married son to a sister and infact that sister had built the house thereon.

In the circumstances, I find no reason to interfere with the order of the Court below.

Petition stands dismissed.

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

03.07.2018
Pooja sharma-I

(AJAY TEWARI)
JUDGE

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