

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.809 of 2018

Date of Decision.07.02.2018

Pawan Kumar

.....Petitioner

Vs

Ravinder Singh

....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

AMIT RAWAL J.(ORAL)

The present revision petition has been rendered at the instance of the tenant against the impugned order whereby the application moved by the landlord-respondent for compliance of statutory requirement of law as envisaged under Section 13(3)(a)(b) for incorporating para 6A for the factual adjudication of the rent petition, has been allowed.

Mr. Vivek. K. Thakur, learned counsel appearing on behalf of the petitioner submits that from the contents of the application, it has surfaced that the amendment has been caused owing to change of counsel, which would fall within the realm/expression “subsequent event” and not permissible in view of the law laid down by this Court in Arjun Chand Vs. Smt. Shama Joshi 2011(44) RCR (Civil) 874 and Harbilas (deceased) through LRs Vs. Balbir Singh 2017(1) RCR (Civil) 662. He further contended that any amendment which could not be incorporated on behalf of wrong legal advice cannot be a ground for allowing the application. All these points have been totally ignored and not noticed by the trial Court, thus, there is abdication and illegality.

paper book and of the view that amendment sought to be incorporated as para 6A is statutory compliance of the provisions of the Act, which reads as under:-

“6-A. That the petitioner do not possess any such kind of building as bonafidely required or has vacated or sold any such kind of building within the Municipal limits of Kapurthala city for the purpose as mentioned in the petition after the passing of East Punjab Urban Rent Restriction Act or has sold any such building.”

It is now settled law that even if there is no specific pleading on which the landlord has lead evidence, the same can always be looked into by the trial Court at appropriate stage. No prejudice would be caused as the petitioner-tenant would have all rights to cross-examine the landlord during the evidence stage. There is no dispute to the judgments referred to above by the counsel for the petitioner as they pertain to the fact where a subsequent event was sought to be incorporated but it is not a case of subsequent event, therefore, the ratio aforementioned would not apply.

In view of the aforementioned, the order under challenge cannot be said to be passed without jurisdiction. No ground for interference is made. The revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

February 07, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No