

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

**Civil Revision No.8208 of 2018 (O&M)
Date of Decision:December 03, 2018.**

Jaskirat Singh

.....PETITIONER(s).

VERSUS

Tejbir Singh and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Varun Sharma, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

Petitioner has challenged order dated 12.09.2018 (Annexure P-1), whereby application filed by respondents-landlord seeking amendment of his petition by incorporating para 2(A), was allowed.

Respondents-landlord filed ejectment petition against the petitioner on the ground of non-payment of rent, personal bona fide necessity, misuse of the demised premises and for causing nuisance. The revision petitioner admitted his tenancy but disputed the rate of rent as claimed by the respondents-landlord. The petition is still at initial stage and by way of amendment, respondents-landlord have sought to incorporate the facts regarding tenancy of the demised premises based on settlement deed dated 01.04.1988.

Learned counsel for the petitioner submits that the facts sought

to be added on the basis of settlement deed, were in the knowledge of respondents-landlord at the time of filing of the petition. They now simply intend to fill up the lacunae.

Respondents-landlord by incorporating the plea in the petition that earlier the demised premises were in possession of Janta Milk Store of which petitioner No.1 and Tarlochan Singh father of respondent were partners. That partnership was dissolved and the shops in question were given on rent at the rate of ₹40/- per month, however, vide settlement deed dated 01.04.1988, terms of tenancy were settled with Tarlocahn Singh as per which he agreed to pay monthly rent of two shops @ ₹600/- w.e.f. 01.04.1988; @ ₹700/- w.e.f. 01.04.1990; ₹800/- w.e.f. 01.04.1992; ₹1000/- w.e.f. 01.04.1994. Revision petitioner in his written statement shall have the liberty to reply the plea sought to be incorporated in the petition. While the incorporation of the plea will not cause any prejudice to the revision petitioner-tenant, the denial of permission to the respondents-landlord to plead this fact will certainly cause loss to him. Learned Rent Controller looking into all these aspects passed the impugned order while allowing this application. I find no reason to interfere with the same.

This petition has no merits.

Dismissed.

December 03, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No