

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

Civil Revision No. 8249 of 2018 (O&M)

Date of decision : December 04, 2018

Bada Sahib Tailor and another

.....Petitioners

Versus

M/s Parsannasons Marketing Associates Pvt. Ltd. and another

....Respondents

Civil Revision No. 8250 of 2018 (O&M)

Mobin Ahmad

.....Petitioner

Versus

M/s Parsannasons Marketing Associates Pvt. Ltd. and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ankit Chowdhri, Advocate
for the petitioners.

LISA GILL, J.

This order shall dispose of two petitions i.e. **Civil Revision No. 8249 of 2018** (Bada Sahib Tailor and another Versus M/s Parsannasons Marketing Associates Pvt. Ltd. and another) and **Civil Revision No. 8250 of 2018** (Mobin Ahmad Versus M/s Parsannasons Marketing Associates Pvt. Ltd. and another).

The petitioners – tenants in both these petitions are aggrieved of orders of even date dated 13.10.2018 passed in two petitions under Section 13 of the Punjab Urban Rent Restriction Act, filed by the respondent – landlord. The respondent – landlord has sought eviction of the petitioners from the demised premises. Application under Order 6 Rule 17 CPC (Annexure P-1) was moved by the petitioners seeking amendment of the written statement wherein they sought to add the pleadings that the

respondent – landlord is trying to let out part of the premises i.e. vacant ground floor and basement during the pendency of the petition. Reply to the said application was filed by the respondent – landlord (Annexure P-2). The learned Rent Controller finding no merit in the application dismissed the said application. Aggrieved therefrom present petitions have been filed.

Learned counsel for the petitioners submits that a specific ground has been taken in the written statement filed by the petitioners that bona fide personal necessity of the landlord does not exist as the premises under reference are claimed to be required for the purpose of starting the business of artificial jewellery, whereas basement and ground floor of the premises in question are laying vacant and in possession of the landlord. During pendency of the petition, it is contended, the petitioners came to know that the landlord is making efforts to let out the ground floor and basement which in itself is sufficient to demolish the claim of bona fide requirement set up by the landlord. Petitioners seek to incorporate that the landlord is making efforts to rent out the basement and ground floor with the averments that the landlord has put up a board and pamphlet on the premises stating that the premises are available for rent. Learned Rent Controller, it is contended, has erred in dismissing the applications moved by the petitioners keeping in view the stage of trial. It is, thus, prayed that the present petitions be allowed and necessary amendment be permitted to be carried out.

Heard learned counsel for the petitioners and have gone through the file.

There is no doubt that either of the parties may be permitted to alter or amend their pleadings as may be necessary for the purpose of

determining the lis between them irrespective of the stage of proceedings and the same cannot be the sole ground for dismissing the application for amendment of pleadings. However, in the present case the attending circumstances reveal that there is no merit in the arguments raised by the learned counsel for the petitioners. In the instant case, petition seeking eviction of the petitioners from the first floor of the premises in question was filed on 05.01.2015. Issues in this case were framed on 20.02.2016. Evidence of the petitioners was closed on 18.07.2017. Learned Rent Controller has specifically mentioned that despite availing twenty six (26) opportunities, the respondent failed to conclude his evidence which was closed by order on 31.07.2018. Thereafter, application dated 06.08.2018 was moved for amendment in the written statement. No detail whatsoever has been mentioned in the said application as to when the petitioners came to know regarding the alleged act of the landlord in trying to let out the premises i.e. the ground floor and the basement. It is merely mentioned that the said fact came to his notice during pendency of the petition. Learned counsel for the petitioners, on a specific query, informs that order dated 31.07.2018 whereby evidence of the respondent was closed by order has not been challenged.

Learned counsel for the petitioners is further unable to deny that having taken the specific ground of the basement and the ground floor of the premises in question being vacant, it was open to the respondent to have led specific evidence at the relevant time to show that an effort was being made by the landlord to let out the premises subsequently. No such step was taken by the petitioners. Thus, the learned Rent Controller has rightly dismissed the applications filed by the petitioners.

Learned counsel for the petitioners is unable to point out any

illegality and infirmity in the impugned order 13.10.2018 (Annexure P-3) passed by the learned Rent Controller, Chandigarh which calls for any interference in exercise of revisional jurisdiction by this Court.

Present petitions are, accordingly, dismissed.

December 04, 2018

(Lisa Gill)
Judge

rts

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No