

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

C.R. No.3155 of 2017

Decided on : December 13th, 2019

Raj Kumar

..... Petitioner

Versus

Leelawanti

..... Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Kunal Vinayak, Advocate
for the petitioner.

Mr. V.K. Sandhir, Advocate for the respondent.

SUDIP AHLUWALIA, J. (Oral)

This revision petition is directed against the impugned order 13.02.2017 passed by the learned Rent Controller, Amritsar. Vide said impugned order, the petitioner's application for amendment of his written statement (Annexure P- 4) was dis-allowed by the learned Rent Controller. Learned counsel for the petitioner has sought to incorporate the following additions in para 4 (iii) of the written statement:

“ During the pendency of the present petition the respondent enquired the matter and came to know that Surinder Pal son of the applicant and father of Anish Chawla is running business of FRIED EATABLES/PAKODA in a shop situated at Chowk Hakima Wala, Amritsar adjoining to the shop where business in the name of Guru Kripa Milk Bhandar is run and Anish Chawla son of Surinder Pal is also helping his father in the said business. In addition to that business Anish Chawla is also running business of Sanitary

goods as detailed above in the written statement and this fact has been concealed by the applicant in the ejectment petition to mislead the Hon'ble Court”

Admittedly, bulk of the amendments sought to be incorporated were covered in the original written statement itself, so far the same related to assistance by the respondent's grandson Sh. Anish Chawla for helping his father in his sanitary business. The only additional plea sought to be incorporated was that the said Anish Chawla was also helping his father in running a separate business of fried eatables/*Pakora* in a different shop situated at Chowk Hakima Wala, Amritsar. Even though, existence of any separate business by son of the landlady namely Surinder Pal is not very material to the fate of the eviction application in which basically the ground is her personal requirement through her grandson- Anish Chawla, still in the interest of justice and in the opinion of this Court, the impugned amendment should be allowed to enable the petitioner-tenant to support his overall defence to the extent that requirement of the demised premises by the landlady's grandson is actually not *bonafide*. For this purpose, it might be of some value if the additional averment regarding existence of fried eatables/*Pakora* business being run by her son i.e. father of Anish Chawla, in which he is alleged to be assisting his father, is incorporated..

For the aforesaid reasons, the present revision is allowed after setting aside the impugned order dated 13.02.2017 but with a liberty to the respondent-landlady to first of all file any additional replication, if so chosen by her, and thereafter to lead additional evidence to rebut incorporation of this new plea of facts.

The learned Rent Controller, Amritsar is thereafter directed to dispose off the pending eviction application expeditiously in accordance with law, as early as possible and preferably within a period of three months from the date of receipt of this order.

December 13th, 2019

mkkoundal

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No