

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

**CR No.5201 of 2018 (O&M)
Date of Decision : 28.03.2019**

Sunder Hair Dresser

.....Petitioner

Versus

Joginder Pal Oberoi and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. A.S. Nirmaan, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

Mr. Divanshu Jain, Advocate has put in appearance and filed his Power of Attorney on behalf of the respondent No.2 today in Court; Be kept on record.

2. This Revision Petition is directed against the impugned Order dated 14th March, 2018 (Annexure P-6) whereby an application for amendment of Written Statement filed on behalf of the petitioner/tenant in the pending Rent Petition, was rejected by the Ld. Rent Controller, Ludhiana.

3. His grievance is that the respondents/landlords had willfully suppressed about the existence of other property in their occupation, which became known to the petitioner only from some of the admissions made by the respondents and their witnesses during

their cross-examinations appearing as PWs 1, 2 and 3.

4. The Revision is opposed on behalf of the respondents/ landlords whose contention is that they were not under any obligation to disclose about any other property situated at Salem Tabri and Chhowni Mohalla since the same happens to be “residential” whereas eviction has been sought in respect of a commercial property.

5. Be that as it may, whether or not the disclosed properties are actually residential in nature is itself a matter which would need verification. In the opinion of the Court, therefore, the petitioner does deserve the opportunity to place the additional facts on record, which have transpired from certain admissions made by the respondents' witnesses during their cross-examinations, by way of their amended Written Statement, as proposed. Of course, the respondents/landlords would then be at liberty to file an additional replication to rebut the same if they so choose with a further liberty to recall their witnesses for clarification in the light of such amended pleadings.

6. With the aforesaid observations, the Revision Petition is allowed after setting aside the impugned order.

7. Let the amended Written Statement be filed by the petitioner before the Rent Controller within a week from today, subject to service of an advance copy of the amended Written Statement to the Counsel Opposite against which the respondents may file their

additional replication within two weeks thereafter.

8. The Ld. Trial Court is directed to thereafter expedite the trial and complete it preferably before 31st of May, 2019.

March 28, 2019

**(SUDIP AHLUWALIA)
JUDGE**

Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No