

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

**Civil Revision No.733 of 2019 (O&M)
Date of Decision:February 14, 2019.**

Gursharan Singh (Deceased) through his LRs

.....PETITIONER(s).

VERSUS

Puran Chand (Deceased) through his LRs

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Chetan Bansal, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

The petitioner-landlord filed application seeking ejectment of respondent-tenant from the demised premises in the year 2013 with the plea that he requires it for his personal bona fide necessity. After framing of issues, evidence of petitioner was partly recorded. On 09.01.2019, he came up with an application to amend the petition to incorporate the plea that respondent-tenant is in arrears of rent w.e.f. 03.04.2013. The application was declined by learned Rent Controller with the observation that trial in the case has commenced; petitioner witnesses have already been examined and the petitioner has failed to make out that he was not aware of the fact at the time of filing application that respondent-tenant was in arrears of rent.

Learned counsel for the petitioner has fairly admitted that after framing of issues, some evidence of petitioner was already recorded. He, however, could not make out as to why the plea of arrears of rent was not

raised in the ejectment petition filed by the petitioner in the year 2013.

The plea to seek the ejectment of the respondent from the demised premises on the ground of non-payment of rent is available to the petitioner and he can file a separate petition with this plea. Allowing amendment in this petition will start de novo trial and there is no bar for the petitioner to file a separate petition with the plea of non-payment of rent. The order passed by learned Rent Controller has not barred the petitioner from filing a separate petition and he can always exercise his right in separate petition instead of further delaying the proceedings in the petition filed by him in the year 2013.

With the liberty to the petitioner as stated aforesaid, this petition is disposed of.

February 14, 2019.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***