

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

CR No.1735 of 2019

Date of Decision: 03.07.2019

Maneet Kumar

..... Petitioner

Versus

Dr. Jawahar Lal Bansal

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. B.D. Sharma, Advocate,
for the petitioner.

Mr. J.K. Singla, Advocate
for the respondent.

SUDIP AHLUWALIA J. (ORAL)

This revision petition is directed against the order dated 24.01.2019 passed by the learned Rent Controller, Bathinda vide which application of the respondent-tenant seeking permission to amend his original reply/written statement in the eviction proceedings was allowed.

2) Background of the matter is that in his original reply, the respondent-tenant had outrightly denied execution of the rent-deed between himself and the petitioner landlord, even though he was a signatory to the said rent-deed.

3) The petitioner-landlord, thereafter filed a contempt petition on 28.08.2018 (Annexure P-5) seeking initiation of appropriate proceedings against the respondent-tenant for filing a false reply and affidavit in support thereof.

4) The respondent in his amendment application sought to retract from his initial denial regarding execution of the rent-deed between himself and the petitioner-landlord by stating that he had made such denial due to loss of memory over a long period of time, but once after having

remembered the facts he wanted to admit existence of the rent-deed.

5) The learned Rent Controller allowed the amendment application after noting that admission or denial of the rent-deed in itself would not effect the outcome of the eviction application on merits since the ground on which eviction was sought was the own personal requirement of the landlord/his family members and there was no allegation of any default in payment of rent or outstanding arrears of rent on account for which reason the original denial of landlord-tenant relationship between the parties would have been inconsequential.

6) The petitioner-landlord nevertheless opposed the proposed amendment as he was of the view that by seeking to withdraw from his earlier denial of the rent agreement, the respondent essentially was trying to protect himself from the logical consequences of the contempt application which had been filed against him for allegedly having sworn a false affidavit in support of false averments.

7) Be that as it may, this Court is in agreement with observation of the Ld. Rent Controller that for the purpose of eviction application the proposed amendment cannot be prejudicial to the petitioner-landlord in any manner, because to seek eviction on the ground of personal necessity, he must establish his case at his own risk. If anything, the admission of the landlord and tenant relationship by the respondent even at a belated stage would only go to augment the basic nature of the claim raised on behalf of the landlord.

8) Of course, by way of the proposed amendment, the tenant cannot be permitted to wriggle out of the logical penal consequences which are liable to follow in the case if it is established that he had willfully made

any wrong assertions in his original reply knowing the same to be false.

9) The revision is, therefore, disposed off by upholding the impugned order with a rider that allowing of the disputed amendment application shall be inconsequential for the purpose of passing a reasoned order on the separate application for contempt (Annexure P-5) filed on behalf of the petitioner-landlord, which shall be decided by the Court concerned on its own merits.

03.07.2019

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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No