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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2321 of 2019

Date of Decision: 02.07.2019

Prem Kumar

..... Petitioner

Versus

Yogesh Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Amit Jain, Advocate,
for the petitioner.

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

SUDIP AHLUWALIA, J. (ORAL)

Heard both sides. Considered.

2. The present revisional petition is directed against the order dated 01.03.2019 (Annexure P-5), passed by the Ld. Rent Controller, Phul, whereby the amendment application (Annexure P-3), filed on behalf of the petitioner/tenant, was rejected.

3. Perusal of the proposed amendments goes to show that Item No.4, which is sought to be incorporated by way of legal objection, is innocuous inasmuch as the petitioner/tenant seeks to plead that ingredients of Section 13(a)(iii) of the East Punjab Urban Rent Restriction Act, 1949, have not been proved. Such proposed amendment is certainly within the

ambit of a formal pleading. Legal objection No.4, which is sought to be incorporated, is also consistent with the original pleading of the petitioner/tenant in Para No.2(i), which is in the 2nd Sub Para at Page No.33 of the Paperbook. But, the legal objection No.5 sought to be incorporated is slightly vague in nature. Admittedly, the petitioner/tenant has failed to disclose any particulars regarding the tenant having allegedly got vacated any commercial shops from other tenants. However, on submission of Ld. Counsel for the respondent/landlord, the proposed amendments are permitted to be allowed, subject to the payment of costs of ₹2,000/- in favour of the respondent/landlord and with a further rider that after incorporation of such amendments, the respondent/landlord shall be at liberty to file an additional replication, if so preferred, and the parties shall not be permitted to lead any evidence, which is explicitly beyond the finally amended pleadings.

4. Disposed off.

02.07.2019

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No