

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

**Civil Revision No.3262 of 2019 (O&M)
Date of Decision:May 16, 2019.**

Nitin Khosla

.....PETITIONER(s).

VERSUS

Harnarain Singh Sekhon and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Atamjit Singh Thind, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

Petitioner vide this revision petition has challenged order of the Rent Controller dated 27.07.2017 assessing the provisional rent and order dated 13.12.2018 passed by Appellate Authority, disposing of his appeal against the order dated 25.07.2017.

Learned counsel for the petitioner has not pressed his revision petition against the above referred two orders.

Petitioner has also challenged order dated 18.05.2018, whereby the Rent Controller allowed the amendment application filed by respondents-landlord to take the plea in the ejectment petition as follows:-

“As per clause No.15 of the rent note dated 02.09.1996 Annexure A-1, execution of which has been categorically admitted by the respondent in para 2 of his written statement, the petitioners are also entitled to receive the

rent from the respondent with increase of 5% in the rent every year with effect from 01.09.1997.”

Learned Rent Controller allowed this application with the observation that the proposed amendment will not change the basic structure of the eviction petition, rather it will help in deciding the matter more effectively without prejudice to the respondent (now revision petitioner) and will avoid multiplicity of litigation.

Learned counsel for revision petitioner-tenant has argued that as per the law settled by Hon'ble Apex Court in case of ***Revajeetu Builders & Developers Vs. Narayanaswamy & Sons 2010(1) RCR (Civil) 27***, the amendment could not be allowed as learned Rent Controller has not looked into the bona fide of the landlord while seeking this amendment and relief sought to be added is barred by limitation.

I have carefully examined the contentions raised by learned counsel for the revision petitioner but find no merits therein. The amendment has been allowed as per terms of the rent note dated 02.09.1996 relied upon by the landlord. Even after allowing of the amendment, onus will remain on the landlord to prove as to whether as per the clause in the rent note, he is entitled to seek enhancement of rent by 5% every year. Seeking of amendment nowhere reflects any malafide on the part of landlord as rent note is an admitted document and the law of limitation is also not attracted in the matter.

Learned counsel for the revision petitioner has apprehension that on the basis of amendment allowed, the Rent Controller may again re-assess the provisional rent. However, this apprehension is without basis and

the remedy to challenge the same in accordance with law.

I find no merits in this revision petition, the same is dismissed.

(SURINDER GUPTA)
JUDGE

May 16, 2019.
Sachin M.

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

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