

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

**Civil Revision No.3372 of 2019 (O&M)
Date of Decision:May 22, 2019.**

Daljit Kaur

.....PETITIONER(s).

VERSUS

Veena Mangal

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gurcharan Dass, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

The respondent-landlord filed petition seeking ejectment of the petitioner from the garage forming part of Flat No.62-SF, Sant Ishar Singh Nagar, Pakhowal Road, Ludhiana. During the pendency of her petition, she moved application to include the servant quarter, kitchen and toilet forming part of Flat No.62-SF as tenanted premises. It was stated by her in the application that tenanted premises was wrongly described in her petition.

In reply, petitioner denied that she is in illegal possession of servant quarter, kitchen and toilet forming part of Flat No.62-SF, Sant Ishar Singh Nagar. She alleged that she is in possession of of the premises as let out to her by the husband of landlord.

Learned Rent Controller allowed the application.

Learned counsel for the petitioner has drawn my attention to

the cross-examination of respondent-landlord, wherein she has stated that there is no kitchen at the spot.

The question, which arises for consideration, is as to what is the tenanted premises as per case of the parties. The petitioner is alleging that entire premises as alleged by the respondent-landlord, which also include servant quarter, kitchen and toilet, is part of her tenancy. She has nowhere set up the case that she has taken illegal possession of any part of the premises in her possession or her status over that part of the premises, which is sought to be included in the tenanted premises by way of amendment is in some other capacity except as a tenant. Even otherwise, onus is on respondent-landlord to prove that kitchen, servant quarter and toilet is part of tenanted premises.

In view of all this, no prejudice will be caused to the petitioner by allowing the amendment, rather, dismissing of amendment application would have created complication at later stage and give right to the petitioner to raise the plea that no petition was filed qua the servant quarter, kitchen, toilet etc.

This petition has no merits.

Dismissed.

May 22, 2019.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No