

CR-5304 of 2019

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

CR-5304 of 2019

Date of decision: 02.09.2019

Satwant Kaur

.....Petitioner

versus

Manpreet Singh Takkar and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. APS Chaudhary, Advocate,  
for the petitioner.

**RAMENDRA JAIN, J. (ORAL)**

Tenant has filed this revision under Article 227 of the Constitution of India, challenging order dated 05.08.2019 (Annexure P-7) of the Rent Controller, whereby his application for amendment of written statement, moved at the fag end of the trial, when case was fixed for rebuttal, if any, and arguments, was dismissed.

Briefly, respondents filed rent petition under Section 13 of the East Punjab Urban Rent Restriction Act for ejectment of the petitioner from the shop under his tenancy on the ground of personal necessity and arrears of rent. During the pendency of petition, petitioner moved application for amendment of his written statement to take plea that shop No.4 has recently been vacated by M/s K.P. Mobile/Waheguru Telecom. Therefore, respondents can satisfy their bona fide requirement by running their alleged business in shop No.4.

Said application of the petitioner was contested by the

CR-5304 of 2019

respondents by filing reply, wherein they took stand that no shop was ever vacated by M/s K.P. Mobile/Waheguru Telecom.

After hearing both the sides, Rent Controller dismissed the application vide impugned order dated 05.08.2019 (Annexure P-7).

Learned counsel for the petitioner *inter alia* contends that observation of the Rent Controller that shop No.4 under the tenancy of M/s K.P. Mobile/Waheguru Telecom might be closed for a short interval, is cryptic being not based on any evidence. The vacation of shop No.4 belonging to respondents by M/s K.P. Mobile/Waheguru Telecom is a subsequent event and, therefore, Rent Controller ought to have allowed the amendment.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court finds the instant revision completely devoid of any merit for the reasons to follow.

No question of law much less substantial has been raised in this revision. Therefore, this revision is held not maintainable.

This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioner has not been able to show any such infirmities in the order of the Rent Controller.

By this time, it is well-settled that a tenant cannot dictate terms to his landlord as to in what manner he should act or satisfy his bona fide necessity. Therefore, this Court is of the considered view that Rent

Controller rightly rejected the application for amendment of written

CR-5304 of 2019

statement of the petitioner.

Moreso, petitioner did not produce or annexed any proof in support of his assertion that shop No.4 was vacated by M/s K.P. Mobile/Waheguru Telecom. His aforesaid assertion being not supported by any evidence was liable to be ignored and, therefore, has rightly been rejected.

Filing of application for amendment of written statement by the petitioner at the fag end i.e. at the stage of final arguments in itself speaks volumes about his conduct and dis-honest intention that he wanted the trial to be *de novo* to gain another several years inasmuch as eviction petition in the instant case was filed in the year 2014. Around five years have elapsed, but the same is still waiting for its final adjudication.

In view of discussion made above, revision is dismissed.

**(Ramendra Jain)**  
**Judge**

**September 02, 2019**  
R.S.

Whether speaking/reasoned      Yes/No

Whether reportable                Yes/No