

CM No. 23504-CII of 2019 and
Civil Revision No. 6526 of 2019 (O&M)

Date of decision : November 18, 2019

Narinder Kumar

.....Petitioner

Versus

Kuldip Singh

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Munish Jolly, Advocate
for the applicant-petitioner.Mr. Divanshu Jain, Advocate
for the non-applicant/respondent.

LISA GILL, J.

Notice of CM No. 23504-CII of 2019.

Mr. Divanshu Jain, Advocate accepts notice on behalf of the respondent and does not raise any objection to the preponement of the hearing of the revision petition.

At request and with the consent of learned counsel for the parties, revision petition is taken up for hearing today itself.

This petition has been filed challenging order dated 05.09.2019 passed by the learned Rent Controller, Chandigarh whereby the petitioner – tenant's application for amendment of the written statement on the ground that during the pendency of the rent petition, it came to light that the landlord is in process of selling the demised premises to some other persons and he had approached a local property dealer for the sale of the said premises has been dismissed. It is stated therein that as the petition has been filed on the ground of personal bonafide necessity, the same clearly does not exist as the landlord is approaching property dealers for sale of the demised premises. This application for amendment of the written statement

has been dismissed by the learned Rent Controller while observing that this application has been filed at the stage of rebuttal evidence and arguments. Moreover, it is incumbent upon the respondent – landlord to prove his personal necessity. In case, the landlord does sell the property for profit, a specific remedy is available to the tenant in this regard. It is further mentioned that the tenant had earlier filed two applications, one for appointment of Local Commissioner at the final stage and another for recalling order dated 21.11.2018. Said applications were dismissed.

Learned counsel for the petitioner argues that as the petitioner is sought to be ejected from the demised premises on the ground of personal bonafide necessity of the landlord, the amendment sought is essential for the just and proper adjudication of the case. It is, thus, prayed that this petition be allowed.

Learned counsel for the respondent – landlord, however, refutes the abovesaid contention while submitting that the landlord does not wish to sell the premises in question neither he ever met any property dealer for selling the same. It is submitted that the application for amendment is only an attempt by the tenant to delay the proceedings which are at the final stage. Affidavit dated 22.10.2019 of the respondent – landlord in this regard filed in Court today is taken on record subject to just exceptions.

Keeping in view the specific stand of the respondent – landlord that he will not sell or let out the demised premises in consonance with the provisions of Section 13(4) of the Act, buttressed by his affidavit dated 22.10.2019, I do not find any ground whatsoever to interfere in this revision petition. Moreover as observed by the learned Rent Controller, Chandigarh

there is a specific remedy available to the petitioner in case the respondent
– landlord still sells the property in question.

Accordingly, this revision petition is dismissed.

Needless to say that none of the observations in the order are an
expression of opinion on the merits of the case and are solely confined for
the purpose of the decision of this petition.

November 18, 2019
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No