

114

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

CR-7631-2019

Date of Decision: November 29, 2019

M/s Preet Automobiles and another

.....Petitioners

Versus

Sudesh Kumar Sood and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Manvender Singh Dalal, Advocate
for the petitioners.

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NIRMALJIT KAUR, J. (ORAL)

The present revision petition is filed against the order dated 16.09.2019 vide which application of the petitioners to amend the written statement was dismissed. It is stated that it came to their knowledge that the landlord possesses another property which is an industrial property in Janta Nagar as well as Shop No.54 in Labour Colony, Near Police Station Shimla Puri, Ludhiana. Reply to their stand in the application was filed, para 4 of which reads as under:-

“4.That para No.4 of the application is wrong and denied. It is denied that the respondents have come to know about the details of the property. It is submitted that the property No.1829/428B is an industrial property and the same cannot be used as shop. Moreover, the petitioners No.1 and 2 or Sh.Nishant Sood do not have any right or share in this property. The property No.749 is in the name of Sh.Ved Parkash grandfather of Sh.Nishant Sood and father of Sudesh Kumar Sood and Lovely Sood and one daughter also, who is sister of petitioners No.1 and 2 moreover, it has already

come on file that this property is being used by Gaurav Sood son of Sh.Sudesh Kumar Sood, who is running business of manufacturing and sale of plastic items i.e. plastic crockery under the name and style of Kaushalya Enterprises. The property in dispute is required by the petitioners for opening showroom, which is more suitable for the petitioners more particularly Nishant Sood to start the above said business. It is specifically denied that the petitioners have concealed any fact from this Hon'ble Court. The shop No.54, Labour Colony, P.S.Shimlapuri, Ludhiana is not owned by the petitioners.”

Taking into account the said reply and explanation offered qua the alleged additional property, the amendment of the written statement is not necessary. Moreover, the cross-examination and evidence of the respondents stood closed way back on 02.05.2019. In case the said application is allowed and the petitioners-tenant are allowed to amend the written statement, it would amount to recalling of the witnesses for further cross-examination, re-framing of the issues, which would require fresh evidence. The same cannot be permitted especially when it is not a fresh development as these properties were already in existence.

No ground to interfere in the order is made out.

Dismissed.

November 29, 2019
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(NIRMALJIT KAUR)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |