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

CR-1681-2018

Date of Decision: 29.11.2019

Bhushan Juneja

...Petitioner

Versus

Lalita Gupta and others

... Respondents

CORAM : Hon'ble Ms. Justice Jaishree Thakur

Present : Mr. J.K. Goel, Advocate for the petitioner.

None for respondents No.3 and 4.

JAISHREE THAKUR, J.(ORAL)

Learned counsel for the petitioner herein points out that respondent No. 1 has already been proceeded ex parte in the court below. As per the office report, respondents No. 2 stand served.

In the instant present civil revision petition, filed under Article 227 of the Constitution of India the order dated 16.12.2017 passed the Rent Controller, Karnal whereby application filed by the land-lord under Order 6 Rule 17 CPC was dismissed, has been challenged.

In brief, the facts are that the petitioner-landlord filed a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 alleging that he is owner of the property in question and the same had been let out to respondents No. 1 and 2 at the monthly rent of Rs. 1500/- exclusive of the house tax which was also to be paid by the tenants. Since the respondents- tenant defaulted

petition was filed in which the respondents No.3 and 4 appeared and filed written statement contraverting the allegations as made out.

In the eviction petition, the petitioner has described and given the details of the property had are as under:-

“North:	Property of Satish Sachdeva
South:	Property of Sita Ram Agencies
East:	Shop marked as A.B.E.F. sold by petitioner to respondent no.1 and thereafter, G.T. Road, Karnal.
West:	Rasta.”

but noticing that an inadvertant mistake had occurred in regard to the description of the property, an amendment application under Order 6 Rule 17 CPC was filed which was contested by the contesting respondents, the alleged sub-letees and thereafter by the impugned order the same was dismissed.

Petitioner-Landlord seeks an amendment of the description of the property wherein it has been mentioned that the “shop marked as ABEF sold by the petitioner to respondent No.1 and thereafter G.T. Road, Karnal” has been shown in the west direction whereas it should have been mentioned in the east and the “Rasta” as shown in the east direction should have been mentioned in the west. It is submitted that the amendment sought does not change the nature of the petition in any manner whatsoever. The mistake sought to be corrected is wholly inadvertant.

In view of the settled law by the Apex Court in *M/s*

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perusal of the proposed amendment clearly reflects that the nature of the eviction petition would not change and no prejudice would be caused to the respondents-tenants in any manner. The trial Court has wrongly dismissed the application on a highly technical ground.

Accordingly, the revision petition is allowed. The application for amendment of petition is allowed. The petitioner would be permitted to file amended petition and the Rent Controller shall proceed with the matter, thereafter, in accordance with law.

Parties are directed to appear before the Rent Controller, Karnal on 15.01.2020.

November 29, 2019

Parveen Sharma

(JAISHREE THAKUR)
JUDGE