

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

112

CR No.149 of 2020

Date of decision : 13.01.2020.

Saroop Singh and another

... Petitioners

Versus

Madan Madhosh and others

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mohd. Salim, Advocate for the petitioners.

Mr. Jai Bhagwan, Advocate for the caveator.

Anupinder Singh Grewal, J. (Oral)

The petitioners have challenged the order dated 04.01.2020 passed by the Rent Controller whereby the application of the petitioners for amendment of the written statement and for tendering the documents has been dismissed.

Learned counsel for the petitioners contends that the petitioners may be granted only one opportunity to tender documents which will have material bearing on the adjudication of the case. These documents include three certified copies of the sale deed and three orders of the Court.

Learned counsel for respondent No.1/caveator submits that the petitioners had earlier been granted last opportunity to lead evidence by the Coordinate Bench of this Court in Civil Revision No.6901 of 2019, on 01.11.2019. The petitioners after having availed last opportunity, cannot be granted any further opportunity which would be contrary to the order passed by the Coordinate Bench. He also contends that the petitioners are intentionally adopting dilatory tactics to defeat the claims of the respondents.

Heard.

The petitioners had sought amendment to the written statement as the respondents had not disclosed the names of all the legal heirs of Shanti Devi and had also not impleaded Jagan Nath, the husband of Shanti Devi, in the petition and had not obtained the consent of Jagan Nath. The building was exempted from the provisions of the East Punjab Urban Rent Restriction Act and a suit had been filed earlier in 1971 by predecessor of the petitioner.

The Rent Controller, while dismissing the application, has held that the written statement had been filed on 15.02.2014 and the application for amendment had been moved after the petitioners had availed several opportunities including the last opportunity granted by the Coordinate Bench for leading evidence. It was within their knowledge that there were other legal heirs of Shanti Devi. Jagan Nath had later expired on 15.02.2019 and the certificate in that regard had been filed in Court. The filing of the suit in the year 1979 does not have any bearing on the adjudication of the instant case. The respondent-plaintiff was one of the co-owners of the demised premises and therefore, it was not necessary that all the legal heirs were to prefer the petition. The written statement had been filed in the year 2014 and thereafter, the petitioner had availed several opportunities including the last opportunity granted by the Coordinate Bench to lead his evidence.

In view of the above, I do not find any ground to interfere with impugned order while exercising revisional jurisdiction. Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 13, 2020
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Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No