

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

CR-1082-2015 (O&M)
Date of decision : 04.02.2020

Baldev Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Verma, Advocate for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

ANIL KSHETARPAL, J. (ORAL)

The landlord-petitioner has filed the present revision petition against the orders passed by the learned Rent Controller, affirmed in appeal by the Appellate Authority, while dismissing the eviction petition filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter to be referred as “the Act of 1949”), as applicable to Union Territory, Chandigarh.

Learned counsel for the parties are ad idem that eviction petition has been dismissed on the ground that the landlord has failed to plead necessary ingredients of Section 13(3)(a)(i) of the Act of 1949.

It is not disputed that the tenant-State of Punjab did not object to the maintainability of the petition on the ground that necessary pleadings have not been made. At the stage of arguments, the Rent Controller

permitted the tenant to question the maintainability of eviction petition and dismissed the eviction petition.

Keeping in view the facts of the case particularly when the tenant did not draw attention of the landlord, while filing written statement, that the petition is not maintainable due to lack of necessary pleadings, the Court ought to have granted an opportunity to the landlord to amend the pleadings.

Keeping in view the aforesaid fact, this Court is of the considered view that ends of justice would be met if the landlord is granted an opportunity to amend the pleadings. If such amended pleadings are filed, the Rent Controller would proceed to re-decide the ejectment petition filed under Section 13 of the Act of 1949 within a period of six months.

Parties through their counsel are directed to appear before the Rent Controller on 20.02.2020.

In view of the above, the present revision petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

04.02.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No