

**CR-3997-2018(O&M)
and connected case**

1

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

1. CR-3997-2018(O&M)

Hardeep Singh and another

.....Petitioners

Versus

Parveen Kumar

.....Respondent

2. CR-428-2019(O&M)

Parveen Kumar

.....Petitioner

Versus

Hardeep Singh and another

.....Respondents

Date of decision: 13.03.2020

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present:- Mr.Divanshu Jain, Advocate for the petitioners
in CR-3997-2018
and for respondents in CR-428-2019**

**Mr. Arihant Jain, Advocate for the respondent
in CR-3997-2018 and for petitioners in CR-428-2019**

ANIL KSHETARPAL, J. (ORAL)

**By this order, two revision petitions i.e CR-3997-2018 and
CR-428-2019 shall stand disposed of.**

**Tenant as well as the landlord have filed the present two
revision petitions challenging a common judgment passed by the learned
Appellate Authority.**

Learned Rent Controller ordered eviction of the tenant on

the ground of personal necessity. Learned Appellate Authority reversed the same on the ground that landlord has failed to incorporate necessary ingredients as required under Section 13 (3) (a)(i) of the East Punjab Urban Rent Restriction Act, 1949 in his pleadings

This Court has heard learned counsel for the parties at some length and with their able assistance, gone through the judgments passed by the Courts below and the requisitioned record. This Court in CR-2382-2018 titled as '**Davinder Kumar Bajaj vs. Subhash Chand Saini**' decided on 8.1.2020 has taken the view that before ejectment petition is dismissed, the Court should grant an opportunity to the landlord to amend the petition. Relevant part of the aforesaid judgment is extracted as under:-

“Be that as it may. In the considered view of this Court, in the facts of this case, the Appellate Authority committed an error in not granting an opportunity to the tenant-petitioner to amend his pleadings. The courts are here to do substantive justice between the parties and avoid decisions on technicalities. In such situation, the Appellate Authority ought to have considered the aspect of granting opportunity to the landlord for moving an application to amend the pleadings. Reference in this regard may be made to the judgment passed by the Court in the case of *Mohan Lal vs. Rakesh Kumar Bhadoo and another*, 2006(2) R.C.R.(Rent) 209.

Keeping in view the aforesaid facts, present revision petition is allowed and the judgment passed by the Appellate Authority is set aside. Case is remitted back to the Appellate Authority to re-decide the appeal within a period of 4 months after permitting the petitioner-landlord to file an amended petition, so as to incorporate the necessary ingredients as provided in Section 13 (3) (a) (i) of the East Punjab Urban Rent Restriction Act, 1949.”

Since both the parties are aggrieved of the common judgment and the ejectment petition filed by the landlord has been dismissed on a technical ground, therefore, it is considered appropriate to remit the matter back to the Appellate Authority with the direction to grant an opportunity to the landlord to amend the pleadings and thereafter, re-decide the matter within four months. Parties through their counsel are directed to appear before the Appellate Authority on 3.4.2020.

Disposed of.

13.03.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No