

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

CR-6379-2016 (O&M)
Date of decision : 30.01.2020

Rajpal and another

...Petitioners

Versus

Bharat Bhushan

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajan Bansal, Advocate for the petitioners.

Mr. R.K. Girdhar, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The tenants have filed the present revision petition against the order of eviction passed by the learned Rent Controller, affirmed in appeal by the Appellate Authority.

On 29.01.2020, after noticing the contention of learned counsel for the petitioners, following order was passed:-

“Learned counsel for the petitioners contends that eviction of the tenant has been sought on the ground that the landlord requires the premises for his son. He submits that necessary ingredients of Section 13 with respect to the son of the landlord have not been pleaded. He relies upon the judgment passed by Hon'ble Supreme Court of India in the case of Ajit Singh Vs. Jit Ram, 2008(9) SCC 699.

Learned counsel for the respondent prays for time.

List on 30.01.2020 in urgent.”

Learned counsel for the respondent admits that necessary ingredients of Section 13 of the East Punjab Urban Rent Restriction Act,

1949 (hereinafter to be referred as “the Act of 1949”), have not been pleaded. However, he submits that the landlord should be given an opportunity to amend the pleadings. He submits that the landlord has already pleaded necessary ingredients for himself, however, because of lack of pleadings qua the son, ejectment petition filed by him should not be dismissed. He further pointed out that on account of default in payment of rent as ordered by this Court on 08.11.2016, possession of the tenanted premises has already been taken by the landlord in execution of warrants of possession in July, 2017.

Keeping in view the facts of the case, this Court is of the opinion that the ends of justice would be met if the landlord is permitted to file the amended petition under Section 13 of the Act of 1949 and the Rent Controller is requested to decide the same within a period of 6 months. This order is being passed keeping in view the fact that the tenants have raised a technical objection which goes to the root of the case.

Hence, the orders of eviction passed by the Courts below are set aside. The respondent-landlord is permitted to file the amended petition and the learned Rent Controller would re-decide the same under Section 13 of the Act of 1949, within a period of 6 months. Till then, the parties are directed to maintain status quo.

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

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

30.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

**Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**