

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-781-2020(O&M)

Date of decision: 03.02.2020

Karamjit Singh and another

.....Petitioners

Versus

Rajesh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Rajesh Sethi, Advocate for the petitioners

ANIL KSHETARPAL, J. (ORAL)

Tenant-petitioners have filed the present revision petition against order passed by the learned Rent Controller dated 18.1.2020 permitting the landlords to plead necessary ingredients as required under Section 13(3)(a)(i) of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (hereinafter referred to as the 'Act of 1973') with respect to son of Rajesh Kumar-petitioner no.1 in the petition under Section 13 of the Act of 1973.

Two landlords had filed an eviction petition seeking ejectment of the tenant. It was pleaded that the premises are required for bona fide requirement of son of petitioner no.1 and nephew of petitioner no.2 who was employed as Assistant Manager in HDFC Bank and has now resigned. It was pleaded that the petitioners in the eviction petition, have not vacated any other premises within the Urban Area of Pehowa town.

As per the requirements of the Act of 1973, the landlord is

required to plead that he is not occupying any other building in the urban area concerned and have not vacated such building without sufficient cause after commencement of the 1949 Act in the said urban area. At the time when the case was ripe for arguments, counsel for the landlords realizes this defect in the pleadings and moved an application for correction thereof. Learned Rent Controller has allowed the said application after considering various aspects of the case. At this stage, it would be relevant to note that the landlords are required to plead those ingredients with respect to the person for whose bona fide requirement eviction is sought.

Learned counsel for the petitioner submits that in fact in the present case final arguments in the ejectment petition had already been heard and the landlords have been failed to justify that inspite of due diligence as to why they could not incorporate necessary pleadings when petition was filed. He further submits that while filing the written statement tenants-petitioners had already objected to the maintainability of the petition on the ground that necessary ingredients have not been pleaded. He, hence, submits that learned Rent Controller has erred in allowing the application.

This Court has considered the submissions of learned counsel for the petitioner and with his able assistance has gone through the documents produced. In the considered view of this Court, the learned Rent Controller has passed the order in order to advance the cause of justice. Courts are here to do substantive justice between the parties. Learned Rent Controller has only permitted the landlords to

plead necessary ingredients so as to bring their petition in consonance with the requirement of law. The amendments have been allowed only with a view to make the petition maintainable in the Court of law. Such amendments do not alter either the basic nature of the petition or in any way prejudice the cause of the respondents. In these circumstances, ejectment petition filed under Section 13 has been correctly permitted to be amended. As regards argument of the learned counsel for the petitioner that the case was at its fag end and the landlords-respondents failed to justify that inspite of due diligence as to why necessary pleadings were not made previously, it may be noticed that the amendment sought for is only to incorporate what is required to be pleaded in the ejectment petition filed under Section 13 of the Act. In these circumstances, strict rules of procedure would not come in the way of the landlords.

Hence, dismissed.

03.02.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No