

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

CR No. 8022 of 2019

Date of decision: 09.01.2020.

M/s Bawa Sanitation and another

..... Petitioners.

Versus

Jasmeet Kaur and another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Vishal Deep Goyal, Advocate, for the petitioners.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners have challenged the order dated 28.08.2019 whereby their application for amendment of the written statement has been disallowed.

Learned counsel for the petitioners contends that the amendment as sought by the petitioners was necessary for the proper adjudication of the matter.

Heard.

The petitioners, who are the tenants of the premises, had sought amendment of the written statement and wanted to raise two preliminary objections. One of the preliminary objection was that petitioner No. 2 (respondent No. 2 herein) has not pleaded about her not owning any premises in the same urban area while the second objection was that all the partners of the partnership firm had not been impleaded. The application for amendment has been disallowed by the Rent Controller holding that petitioner No. 1

(respondent No. 1 herein) had already mentioned about her ownership of premises which was sufficient to determine the controversy with regard to the ejectment of the tenants on the basis of personal necessity. In terms of Order XXXIII Rules 1 and 4 (1) of the Code of Civil Procedure, 1908, the partnership firm can be sued in the name of the partnership firm itself and it is not necessary to implead all the partners. In the instant case, two of the partners had been impleaded and, therefore, the amendment was not necessary. It has also been noticed by the Rent Controller in the impugned order that the respondents (petitioners herein) have been trying to delay the trial and had sought several opportunities for cross-examination of petitioner No. 1 (respondent No. 1 herein) and only after costs were imposed, the cross-examination had been completed.

Consequently, I do not find any merit in the petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

09.01.2020
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No