

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

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CR No.8066 of 2019 (O&M)
Date of decision : 05.03.2020.

Varinder Handa and another

... Petitioners

Versus

Asha Rani

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Ashish Verma, Advocate for the petitioners.

Mr. Rajiv Sharma, Advocate for the caveator.

Anupinder Singh Grewal, J. (Oral)

The petitioners/tenants have challenged the order passed by the Rent Controller on 20.11.2019 whereby their application for amendment of the written statement has been declined.

Learned counsel for the petitioners/tenants contends that the amendment is necessary for proper adjudication of the matter which may be allowed subject to reasonable costs.

Issue notice to the respondent.

Mr. Rajiv Sharma, Advocate, who is present in Court, accepts notice on behalf of the respondent and states that the petitioners/tenants are intentionally delaying the proceedings as they were aware of the facts which they are now intending to incorporate through the amended written statement when the written statement had been filed. He also contends that the petitioners/tenants are in occupation of the premises measuring about 100 square feet since 1964.

Heard.

The amendment which the petitioners are seeking, is to plead in the written statement about the factum of the respondent/landlord and her family members owning several other premises in the urban area. The amendment seems to be necessary for proper adjudication of the case and it would also be in the interest of justice, equity and fair play if the petitioners are accorded an opportunity to lead evidence in support of their case. The apprehension of the respondent that the petitioners are trying to delay the proceedings can be addressed by directing the Rent Controller to conclude the trial expeditiously.

Consequently, the revision petition is allowed and the impugned order is set aside subject to costs of ₹15,000/- to be paid to the respondent. The petitioners shall be afforded only one opportunity to lead evidence, if any. The respondent shall also be afforded adequate opportunity to lead her evidence. The Rent Controller is directed to conclude the trial expeditiously preferably within six months from now.

Pending application(s), if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

March 05, 2020
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No