

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

CR No. 2130 of 2021

Date of Decision: 28.09.2021

Anand Khanna

....Petitioner

VS

Virender Kumar (deceased) through his LRs and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sanjay Jain, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The petitioner is the tenant. His eviction has been sought from Shop No. 5092. Evidence of the parties is over. When the matter was at the stage of rebuttal evidence, the petitioner-tenant filed an application for amendment of written statement. It was stated therein that summons have been received in another ejectment petition filed by respondent No. 2 – Sushil Kumar as well as another person. Since this fact has come to light at a later stage, application for amendment could not have been filed earlier. The amendment is necessary for clarificatory purposes.

The Rent Controller has dismissed the application on the ground that amendment at this stage would only delay the proceedings and would not advance the case of the petitioner-tenant in any manner. Even if all the persons who are owners of the property have not filed the ejectment petition it would make no difference as a single co-owner can maintain an ejectment petition.

Learned counsel for the petitioner submits that a liberal view needs to be taken so far as amendment of written statement is concerned. The amendment being clarificatory in nature would not adversely effect the interest of the landlord-respondents and, thus, the Rent Controller was in error in rejecting the same. He

places reliance upon judgment passed by this Court in ***Bhupinder Singh vs. Pritpal Singh and another, 2020(4) RCR(Civil) 128.***

The Rent Controller is correct in observing that a single co-owner can maintain an eviction petition. He is also correct in observing that introduction of the amendment would not advance the case of the petitioner-tenant in any manner because the plea of non-joinder of the party would not be available to him. ***Bhupinder Singh (supra)*** also lays down that “the amendments which are necessary for determination of the real question in controversy can be allowed”. Since the amendment is not necessary for determination of the real issue in controversy, permitting the same would only delay the proceedings.

Consequently, the revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

28.09.2021

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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No