

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 847 of 2019 (O&M)

Date of Decision: 07.04.2022

Gurcharan Singh (Since Deceased) through his Legal Representatives

... Petitioner(s)

Versus

M/s Vikas Auto Center and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Aman Bahri, Advocate
for the petitioner(s).

Mr. Sharan Sethi, Advocate
for the respondents.

Anil Kshetarpal, J.

CM-4201-CII-2022

1. In view of the prayer made in the application, which is supported by an affidavit, the same is allowed, subject to all the just exceptions. The proposed legal representatives, named in para 2 of the application, are the Class-I heirs of petitioner-Gurcharan Singh, who is stated to have died on 21.05.2021. They are permitted to be brought on record as the legal heirs of the petitioner-Gurcharan Singh, for the purpose of prosecuting the present revision petition. Amended memo of parties is taken on record.

CR-847-2019

2. The petitioner is a tenant. He is defending the eviction petition, filed by the respondent, which is pending before the Court of the Rent

Controller. During the pendency of the proceedings, he filed an application for permission to amend the written statement in order to take a plea that the site has already been resumed, therefore, the landlord has no right, title or interest in the property.

3. From the reading of the original written statement, it is evident that the tenant has already asserted that the Estate Officer did not grant the “No Objection Certificate” on account of the resumption of the booth. As per the Order VI Rule 2 CPC, in the pleadings, only the material facts are required to be stated and that also in a concise form. Furthermore, the landlord’s evidence is already over, therefore, the trial has commenced.

4. Keeping in view the aforesaid facts, no ground is made out to interfere with the order passed. Hence, the present revision petition is dismissed. The respondent shall be permitted to prove the facts, which have been pleaded in the written statement.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

April 07, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No