

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

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**CR-2574-2019 (O&M)
Date of decision: 29.11.2022**

RAJ KUMAR

..Petitioner

Versus

ASHA RANI AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Ashok Giri, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

The petitioner herein, is a tenant in the premises owned by the respondent. The respondent has filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, seeking ejectment of the petitioner on the various grounds including the ground of non-payment of rent. The petitioner has already filed a detailed written statement. During the pendency of the trial of the rent petition, an application filed by the petitioner to amend the written statement so as to incorporate the following para has been dismissed:-

“Infact Smt.Krishna Devi mother in law of the petitioner has been receiving the rent of the demised premises from the respondent and she received rent upto 31.10.2016 and she executed the receipts in this respect. The photostat copy of the same are attached herewith.”

On the other hand, the learned counsel representing the respondent submits that there is no dispute about the aforesaid fact. He refers to para 8 of the ejectment petition which reads as under:-

“[8] That the respondent had paid the rent @ Rs.250/- per month of his Residential Portion B-30/830, which is part of main Building no.827 to the petitioners up till 31.10.2016, but thereafter stopped paying the rent to them. Even the receipts regarding the payment of rent up

till 31.10.2016 are in possession of respondent. Now the respondent is liable to pay rent @ Rs.250/- per month from 01.11.2016 to the petitioner, which the respondent has not paid inspite of repeated requests and demands, as such he is in arrears of rent and liable for ejectment.”

Once the respondent (landlords) admits that the petitioner (defendant) has already paid rent upto 31.10.2016, there is no occasion to permit the petitioner to amend the written statement.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

November 29th, 2022

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*