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

-.-

CR-2427-2022 (O&M)

Date of Decision : 04.07.2022

Rizwan Bashir

...Petitioner

versus

Shaukat Ali and Another

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Imran Farooq, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

The present revision petition under Article 227 of the Constitution of India has been filed challenging the order dated 13.05.2022 passed by the Rent Controller, Malerkotla dismissing the application filed by the petitioner-tenant for amendment of the written statement.

Learned counsel for the petitioner would contend that the petitioner only wishes to add that no mutation was sanctioned in any municipal record or the revenue record on the basis of the oral gift deed and memorandum of gift deed dated 30.10.2013 and that the same is a false and fabricated document. Learned counsel would further contend that no prejudice would be caused to the respondents in case the said application is allowed.

Heard.

In the present case, an ejectment application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 was filed by the respondent-landlord against the petitioner-tenant for eviction from the disputed shop. In the written statement filed by the petitioner-tenant the

relationship of landlord and tenant has specifically been admitted in para No.5. Further, on the basis of the admission of relationship of landlord and tenant in the written statement, provisional rent was assessed by the Rent Controller on 16.04.2018 and the rent was also accordingly tendered. The petitioner-tenant has already in the written statement taken a stand that the alleged Hibba was a totally false and concocted one and had been forged by the respondent-landlord in connivance with his father.

The case is at the evidence stage and the petitioner-tenant would always be at liberty to lead evidence in support of the stand taken by him in the written statement. Further, the fact now sought to be pleaded was well within the knowledge of the petitioner-tenant and there is no cogent ground forthcoming as to why the said pleadings were not incorporated in the written statement earlier. Learned counsel for the petitioner-tenant has further not been able to show how the present amendment of the written statement would be necessary for the purposes of determining the real question and controversy between the parties.

In view of the above, I do not find any illegality or infirmity in the impugned order passed by the Rent Controller. The petition is accordingly dismissed. Pending applications, if any, also stand dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

July 04, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO