

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3749 of 2019

Date of Decision: 22.03.2022

Hari Ram

... Petitioner(s)

Versus

Prem Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rajan Bansal, Advocate
for the petitioner(s).

Mr. Simrandeep Singh Sandhu, Advocate
for the respondent.

Anil Kshetarpal, J.

1. By filing the present revision petition under Article 227 of the Constitution of India, the petitioner (the tenant) calls into question the correctness of the order dated 07.05.2019, passed by the Rent Controller, while permitting the landlord to amend the eviction petition.

2. An application for permission to amend the eviction petition, filed by the landlord under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as “the 1949 Act”), was allowed on the ground that there is an arithmetical error in the calculation of the arrears of rent. The Rent Controller, after finding that there is an arithmetical error, has permitted the landlord to amend the eviction petition.

3. The learned counsel representing the petitioner contends that the amendment is likely to prejudice the petitioner. He submits that the

Rent Controller, while passing the order of provisional assessment on

18.10.2016, had assessed the rent on the basis of the pleadings, which were filed by the petitioner. He further submits that in view of the amendment, the provisional order of assessment of the rent may be revised.

4. In the considered view of this Court, once the landlord has been permitted to correct the arithmetical error and as and when the Rent controller proposes to pass a revised/fresh order assessing the provisional rent, the petitioner (the tenant) is required to be given an opportunity to tender the revised arrears of rent. As of now, no order revising the provisional rent has been passed. As and when such order is passed, the petitioner shall be at liberty to tender the rent.

5. With the observations made above, the present revision petition is disposed of.

(Anil Kshetarpal)
Judge

March 22, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No