

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

**CR-3761-2022
Decided on:-09.09.2022**

Inderjit Singh Laroiya

....Petitioner

vs.

Madan Gopal

....Respondent.

CORAM:HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ajaivir Singh, Advocate
for the petitioner.

HARKESH MANUJA J. (Oral)

By way of present revision petition, the petitioner has challenged the order dated 25.05.2022 (Annexure P-1) passed by the court of learned Rent Controller, Nawanshahar, whereby, an application under Order 6 Rule 17 of CPC, for seeking amendment of petition, at the instance of respondent-landlord has been allowed.

2. Learned counsel for the petitioner submits that an eviction petition under Section 20 of the Punjab Rent Act, 1995 as amended by the Punjab Rent (Amendment) Act, 2014 (for short, "Act") was filed on 27.08.2018, at the instance of the respondent against the petitioner on the ground of his personal necessity. A written statement to the same was filed at the instance of petitioner on 24.01.2019. Issues were framed by the learned Rent Controller, SBS Nagar, Nawanshahr on 19.11.2019.

Thereafter, an application seeking amendment of eviction petition has been

filed at the instance of the respondent in May, 2022, *inter alia* stating that the petition under Section 20 of the Act, earlier, be treated as a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. Besides this, certain amendments have also been sought and a reply to the amendment application has been filed at the instance of the petitioner. The learned Rent Controller vide impugned order dated 25.05.2022 (Annexure P-1) has allowed the application filed at the instance of respondent-landlord by permitting him to carry out amendment of his petition.

3. Learned counsel for the petitioner refers to impugned order dated 25.05.2022 (Annexure P-1), to submit that the same is non-speaking and unreasoned. Since, there was an opposition at the instance of the petitioner to the application filed by the respondent-landlord seeking amendment of eviction petition, the learned Rent Controller was required to record reasons while disposing of the said application.

4. I find merit in the contention raised on behalf of the petitioner.

5. A perusal of impugned order dated 25.05.2022 (Annexure P-1) passed by the learned Rent Controller shows that the same is non-speaking and unreasoned. Even, the basic necessary facts pleaded in the application and the reply filed in opposition have not been referred to therein.

6. In view of the above, the impugned order dated 25.05.2022 (Annexure P-1) is hereby set aside and the learned Rent Controller, SBS Nagar, Nawanshahar is directed to pass a fresh order on the application filed under Order 6 Rule 17 of the CPC, at the instance of respondent/landlord.

7. The present petition is disposed off *in limine* in order to avoid any delay in the proceedings pending before the learned Rent Controller,

which have been initiated at the instance of the respondent-landlord only.

However, in case, the respondent finds any mis statement of facts, he shall

be at liberty to move an appropriate application in this regard.

(HARKESH MANUJA)
JUDGE

09.09.2022

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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No