

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No.2822 of 2017

Date of Decision: 05.01.2023

Kanwal Agencies and another

..... Petitioners

Versus

Pushpinder Singh Cheema

..... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Tushar Sharma, Advocate for the
petitioners/tenants.

Mr. Divanshu Jain, Advocate for the
respondent/landlord.

Nidhi Gupta, J.

The tenants are in revision directed against the order dated 21.02.2017 (Annexure P-7), passed by learned Rent Controller, Chandigarh, whereby their application under Order 6 Rule 17 of the CPC for amendment of the application for leave to contest, filed under Section 18-A of the East Punjab Urban Rent Restriction Act, 1949 (for short '1949 Act') within time, has been declined on the ground that such amendment, inter alia, is not maintainable.

It is undisputed that the NRI landlord/respondent has filed an eviction petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (Annexure P-1) seeking eviction of the petitioners/tenants from the demised premises comprising front portion of 2nd Floor of SCO No.383, Sector 37-D, Chandigarh and an application by the tenants for leave to contest under Section 18-A of 1949 Act stands filed

within the stipulated time of 15 days. However, subsequently, an application dated 11.03.2016 (Annexure P-3) for amendment of the application under Section 18-A of 1949 Act to incorporate the pleas, which have subsequently come to the notice of the tenants, has been filed. The said application has been dismissed, inter alia, on the ground that the same is not maintainable, vide impugned order dated 21.02.2017 (P-7).

At the time of hearing, learned Counsel for the respondent/landlord very fairly concedes that the issue is no longer res integra. He concedes that this Court, vide judgment dated **02.05.2011**, passed in Civil Revision No.6140 of 2010 titled as '**M/s Ghazal Restaurant and another Versus Mrs. Samarbir Kaur @ Samarbir and others**' and vide judgment dated 20.03.2012, passed in Civil Revision No.767 of 2012 titled as '**Amar Manchanda and another Versus Abhey Man Singh Sidhu @ Abhey Man Sidhu and another**', has held that the amendment of subsequent events is permissible. He, thus, has no objection if the impugned order dated 21.02.2017 (P-7) is set aside and the revision is allowed and the matter is remanded back to learned Rent Controller, Chandigarh for a fresh decision on the amendment application dated 11.03.2016 (P-3) on merits.

In response, learned Counsel for the petitioners/tenants has no objection if the said recourse is adopted.

In view of the above, the present petition is allowed. The aforesaid impugned order dated 21.02.2017 (P-7) is set aside. Learned Rent

Controller, Chandigarh is directed to pass a fresh order on the amendment application dated 11.03.2016 (P-3) on merits in accordance with law.

05.01.2023

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No