In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 1287 of 2022 (O&M)

M/s Arora Shoe Co. and Another

... Petitioner(s)

Versus

Ramesh Kumar and Another

... Respondent(s)

AND

2. Civil Revision No. 3409 of 2022 (O&M)

Ramesh Kumar

... Petitioner(s)

Versus

M/s Arora Shoe Co. and Others

... Respondent(s)

DATE OF DECISION: 23.11.2023

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Anupam Bhardwaj, Advocate
for the petitioner (In CR-1287-2022) and
for the respondent No.1 and 3 (In CR-3409-2022).

Mr. A.P.S.Sandhu, Ms. Ashish Kaushik and
Mr. G.S.Saggi, Advocates, for the respondent No.1
(In CR-1287-2022) and for the petitioner (In CR-3409-2022).

Anil Kshetarpal, J.

1. Two cross connected revision petitions have come up for final hearing and with the consent of the parties, the same shall stand disposed of.

2. Civil Revision No. 1287 of 2022 has been filed by the tenant to challenge the correctness of the order passed by the Rent Controller on 24.03.2022 while permitting the landlord to amend his rent petition. The

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Rent Controller found that the landlord seeks to clarify the facts, therefore, the amendment in the rent petition should be allowed.

3. In this revision petition, the correctness of the aforesaid order has been challenged. The learned counsel representing the petitioners contends that the landlord has been permitted to take a U-turn and set up an entirely new case, which is not permissible. He submits that the landlord has already filed his affidavit in lieu of examination-in-chief, though he has not been cross-examined.

4. This Court has considered the submissions made by the learned counsel representing the parties. When the respondent No.l filed a petition, he claimed that the premises is required by him as well as his son Rajiv Gupta. It was pleaded that the respondent's son is not doing any business. By way of amendment, the landlord prays for permission to clarify the facts. It has been asserted that previously, his son was running the business of small shawls. Subsequently, with the introduction of the Goods and Service Tax, he had to close down the same and at present, Rajiv Gupta is working with the landlord as a Manager and is also working on commission basis with the Life Insurance Corporation of India. It is evident that the landlord has only clarified the pleadings. The landlord has not taken any U-turn. Moreover, the case is at the preliminary stage.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

6. In Civil Revision No. 3409 of 2022, the landlord challenges the correctness of the order passed by the Rent Controller on 24.03.2022 while

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permitting the tenant to amend the written statement.

7. The learned counsel representing the petitioner (landlord) submits that he does not wish to press this revision petition.

8. Keeping in view the aforesaid facts, the present revision petition (Civil Revision No. 3409 of 2022) is disposed of being not pressed.

9. The miscellaneous application(s) pending, if any, in both the revision petitions shall stand disposed of.

(Anil Kshetarpal)
Judge

November 23, 2023
"DK"

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

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