

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(244)

CR-2195-2020 (O&M)

Date of Decision : 12.05.2023

M/s Bharat Bartan Bhandar

...Petitioner

Versus

Tirath Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. M.S. Sachdev, Advocate for the petitioner.

Mr. Amit Jain, Senior Advocate with
Ms. Aeshna Jain, Advocate for the respondent.

Harsimran Singh Sethi J. (Oral)

CM-14258-CII-2022

Application is allowed, as prayed for.

Annexures R-1 to R-4 are taken on record with all just exceptions.

CR-2195-2020

1. The present civil revision petition has been filed challenging the order dated 29.02.2020 (Annexure P-1) by which, the application filed by the respondent for amendment of the plaint during the pendency of the appeal, has been allowed.

2. Learned counsel for the petitioner argues that by amendment of the plaint, a new ground has been allowed to be incorporated seeking ejectment of the tenant from the premises in question and that too in appeal,

which could not have been allowed for the reason that for proving the newly added ground, the evidence needs to be adduced so as to give full opportunity to the petitioner by filing appropriate objection in the written statement and thereafter to give adequate opportunity to defend by leading appropriate evidence.

3. Learned counsel for the respondent, on the other hand, submits that as the amendment has been allowed at the stage of appeal, keeping in view the facts and circumstances of the present case, even the owner does not have any objection in case, the matter is remanded to the Rent Controller for a fresh adjudication on merits by giving due opportunity to both the parties.

4. Learned counsel for the parties submit that let the present petition be disposed of so as to remand the case back to the Rent Controller to be adjudicated afresh on merit by taking into consideration the newly added ground and by following due process of law giving due opportunity to both the parties to lead the evidence in support of their respective claim including the filing of a written statement by the petitioner.

5. Keeping in view the joint request by the learned counsel for the parties, the Rent Petition is remanded back to the Rent Controller for afresh adjudication. The Rent Controller will adjudicate the issue between the parties on the amended pleadings as allowed by the impugned order dated 29.02.2020 (Annexure P-1) and that too by giving a due opportunity to the petitioner to file appropriate written statement bringing out his case in the pleadings and thereafter, allow the parties to adduce appropriate evidence in support of their respective claim and decide the rent petition by following

due process as envisaged under law.

6. As the parties are litigating for the last 12 years, the Rent Controller is requested to expedite the decision on the rent petition. It will be appreciated in case, the proceedings in the rent petition are concluded within a period of one year from the remand.

7. Parties are directed to appear before the Rent Controller on 05.07.2023.

8. Petition stands disposed of in above terms.

May 12, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No