

CR-2812-2022 (O&M)

2023:PHHC:086655

1

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

Sr. No.114

**CR-2812-2022 (O&M)
Date of Decision: 12.07.2023**

PAWAN KUMAR

....Petitioner

Versus

CHETAN KAPOOR

.....Respondent

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

**Present:- Mr. V.K.Sandhir, Advocate
for the petitioner.**

**Mr. Umesh Aggarwal, Advocate
for the respondent.**

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 01.07.2022, passed by learned Rent Controller, whereby an application under Order 6 Rule 17 read with Section 151, filed by the petitioner/tenant was dismissed.

It is submitted by learned counsel for the petitioner that in the ejectment petition filed at the behest of the respondent/landlord, there was no mention made about the indulgence of the landlord in the business of ready made garments and about having shops situated in very commercially viable area. As such, there was intentional concealment of the aforesaid fact, which came to the notice of the petitioner/tenant soon before filing of the application

for seeking amendment of written statement, to make such addition with regard to the availability of the shops with the landlord.

However, on the last date of hearing, learned counsel for the respondent/landlord had submitted that he has no objection in case the amendment is allowed.

Considering the aforesaid statement and also after hearing learned counsel for the parties and also in view of the averments made in the application, which shall have bearing upon the decision of the ejectment petition, without prejudice to the rights of the parties to be adjudicated on merits, the same is allowed and the present revision petition is allowed and consequently, the impugned order is set aside and the application for amendment of written statement is allowed.

Accordingly, the instant revision petition stands disposed of.

12.07.2023

Sonu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No