

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

CR No. 2080 of 2021 (O&M)
Date of Decision : 01.03.2023

Gagan Kumar

...Petitioner

Versus

Sant Kumar (since deceased) through his Lrs.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajdeep Singh Chugh, Advocate for the petitioner.

Mr. Aayush Gupta, Advocate for the respondents.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioner submits that the prayer of the petitioner for amendment of the written statement has been rejected on two accounts, firstly that the parties have already led their evidence and the rent petition is fixed for final argument and secondly, the ground being taken for amendment of the rent petition is that the landlord has entered into an agreement to sell the shop in question for which a suit for specific performance has been filed by the proposed purchaser, which fact is necessary to be brought on record to show the intention of the landlord to sell the property in question rather than getting possession of the same for personal necessities to use the premises in question hence the learned counsel prays that the order passed by the trial court dated 07.09.2021 (Annexure P-1) may kindly be set-aside.

Learned counsel for the respondents submits that the application seeking amendment has not only been filed at a belated stage but without ascertaining the correct facts. Learned counsel for the respondent-landlord submits that the suit, which is being termed as suit for specific performance of an agreement, is not for the specific performance of an agreement qua the said shop but the suit is only for the injunction hence, the basis of filing the application seeking amendment was incorrect.

Learned counsel for the petitioner has not been able to rebut the contention of the learned counsel for the respondents that the suit, which is being made basis for seeking amendment of the rent petition was not for specific performance qua the selling of the shop in question but was only with regard to injunction.

Keeping in view the above, no interference is called for by this court in the order dated 07.09.2021, therefore, the present civil revision petition is dismissed.

CM-9208-CII-2021

As the civil revision petition has been dismissed, the present application also stands dismissed.

March 01, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No