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

CR-6073-2023

Date of Decision:- 08.11.2023

VEENA RANI

...Petitioner

Vs.

DHARAMPAL AND OTHERS

...Respondents

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Ishmeet Singh and Mr. Jaideep Verma, Advocate
for the petitioners.

AMARJOT BHATTI, J. (Oral)

1. The petitioner has filed civil revision against the impugned order dated 16.08.2023 (Annexure P-6) passed by the learned Rent Controller, Ludhiana where in the rent petition titled as “Dharam Pal Vs. Veena Rani” the application to frame additional issue on behalf of the respondents has been wrongly rejected.

2. Learned counsel for the petitioner has placed on record copy of amended petition (Annexure P-1). It is argued that the said ejectment petition has been filed on the ground of arrears of rent, personal necessity premises unfit for human habitation. The issues were framed on 28.03.2017. The copy of said order is Annexure P-2. The respondent Nos.1 and 2 have examined Ravi Kumar, Building Expert who had inspected the premises. The statement of Ravi Kumar, Building Expert as PW1 and the inspection report are Annexures P-3 and P-4 respectively.

Thereafter, the present petitioner filed application for framing of additional issue as to whether tenancy premises in question is not fit for human habitation. The copy of said application is Annexure P-5. Without appreciating the facts of the case and the documents on record, the said application has been declined vide impugned order dated 16.08.2023 which is Annexure P-6. It is prayed that the aforesaid order may kindly be set aside and the additional issue may kindly be framed accordingly.

3. I have considered the arguments advanced before me. No purpose would be served by issuing notice to the respondents as the factual position is clear from the documents on record. As per the copy of ejectment petition, Annexure P-1, Dharam Pal and M/s Nand Lal and sons filed petition under Section 13 of East Punjab Urban Rent Restriction Act, 1949 for the ejectment of the respondents from shop No.1 forming part of property No.B-XV-4/1/3 (OLD) B-XVII-50 (NEW) as shown in red colour. It is mentioned in para No.9 (c) that 'the petitioner also owned and possessed property No.B-XVII-50/2, Nauhria Mal Jain Garden, Ludhiana shown in green colour in the site plan. The said building consisted of 4 shops on the front side and a tin shed on the rear side. The said building is unfit and unsafe for human habitation being more than 100 years old. It is further alleged that the property is in fallen condition and the remaining part is already in crumbling stage. The said property cannot be used for any purpose and has to be demolished as a whole.' The entire description has been given with regards to the property bearing No.B-XVII-50/2 shown in green colour whereas the present ejectment petition has been regarding shop No.1 forming part of property No.-B-XV-4/1/3 (Old) B-XVII-50 (new). Therefore, there is no plea regarding dilapidated condition

of shop in dispute regarding which ejectment petition has been filed. The aforesaid facts have been duly considered and appreciated in the impugned order dated 16.08.2023. The petitioner in the main case i.e. Dharampal and another is the master of his own case. He has filed ejectment petition by taking different grounds in which he has not taken the ground of dilapidated condition of premises regarding which ejectment petition has been filed. Therefore, there is no need to frame additional issue on this ground and the application was rightly rejected.

4. With this observation, finding no merits in the Civil Revision the same is declined.

5. Pending application (s), if any, also stands disposed of.

08.11.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No