

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

**CR No.6480 of 2023(O&M)
Date of Decision: 09.11.2023**

BOOTA RAM @ BUTA RAMPetitioner
Vs

RADHEY SHAM KAPOOR (NOW DECEASED) THROUGH LR
.....Respondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Ms. Shivya Sehgal, Advocate
for the petitioner.

Mr. J.S. Dadwal, Advocate
for the respondent.

HARKESH MANUJA, J.(Oral)

By way of the present revision petition, challenge has been made to an order dated 25.08.2023 passed by the Rent Controller, Ludhiana, whereby an application seeking amendment of written statement filed at the instance of the petitioner-tenant stands declined.

[2]. In the present case, the respondent-landlord sought eviction against the petitioner-tenant on the grounds of arrears of rent as well as personal necessity of his grand-son. The

same was opposed at the instance of the petitioner-tenant having filed detailed written statement.

[3]. After framing of issues, the respondent-landlord led his evidence. Thereafter, while the evidence of the petitioner-tenant was going on, an application came to be filed at his instance, seeking amendment of written statement to an extent that in July, 2023, some one from the family of the respondent-landlord came to his shop and disclosed that the respondent-landlord was intending to alienate the demised premises.

[4]. The aforesaid application was opposed at the instance of the respondent-landlord having filed detailed reply.

[5]. Rent Controller vide order dated 25.08.2023, dismissed the application filed at the instance of the petitioner-tenant.

[6]. Impugning the aforementioned order dated 25.08.2023, learned counsel for the petitioner submits that the amendment sought for is very much necessary for complete and effective adjudication of the rent petition as it goes to the root of the matter and would facilitate the Rent Controller to decide the rights of the parties in a complete and effective manner.

[7]. On the other hand, learned counsel representing the respondent-landlord submits that the application moved at the instance of the petitioner-tenant is vague in nature and thus the same was rightly declined by the Rent Controller.

[8]. I have heard learned counsel for the parties and gone

through the paper book.

[9]. Though there does not appear to be any illegality in the discretion exercised by the Rent Controller, yet in the interest of justice and for the purpose of affording sufficient opportunity to the petitioner-tenant; as each and every fact is not required to be made part of the pleadings though the same may have some relevance as a piece of evidence, he is permitted to tender an affidavit in his examination-in-chief, restricted to the contents made in his application only, which shall be submitted before the Rent Controller on the date fixed i.e.16.11.2023 and the petitioner-tenant shall be cross-examined by the respondent-landlord on the same day itself, in order to avoid any delay in disposal of the eviction petition.

[10]. Resultantly, this revision petition is allowed in the aforesaid terms.

[11]. Pending application(s), if any also stand(s) disposed of.

09.11.2023
Prince

(HARKESH MANUJA)
JUDGE

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