

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.375 of 2024
Date of Decision: 08.04.2024

Raj Kumar
.....Revisionist-Petitioner.
Versus
Harminder Singh Taneja and others
.....Respondents.

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Ashish Gupta, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-tenant (here-in-after to be referred as ‘the tenant’) has laid challenge to the order (Annexure P-6), as passed by learned Rent Controller, Ludhiana on 19.12.2023 in ***Rent Petition No.39 of 2020*** titled as ‘***Harminster Singh Taneja & Ors. Vs. Raj Kumar***’, whereby the application (Annexure P-4), moved by him under Order 6 Rule 17 CPC for seeking amendment in his written-statement, has been dismissed.

2. I have heard learned counsel for the petitioner-tenant in the present revision-petition, at the preliminary stage and have gone through the file carefully.
3. Learned counsel for the tenant contends that the respondents-landlords (here-in-after to be referred as ‘the landlords’) had filed two more

Rent Petitions for seeking eviction of the respective tenants from shops No.1 & 2, adjoining the demised shop, on the ground that they required the same for their personal use and occupation and later-on, they withdrew those petitions, after taking the possession of the afore-said shops from the tenants, but they have not yet started any business activity in these shops and by way of the proposed amendment, the tenant wants to incorporate the above-mentioned facts in his written-statement, so as to show their (landlords') conduct because they have sought his (tenant's) eviction also from the demised shop, on the same ground but vide the impugned order, the Rent Controller has erroneously dismissed the application, filed by him (tenant) for the afore-said purpose and in these circumstances, it becomes explicit that the said order is not legally sustainable and hence, the same deserves to be set-aside.

4. However, the above-raised contentions are devoid of any merit because a perusal of the afore-referred Rent Petition, Annexure P-1, reveals that in its para No.2(c), the landlords have specifically averred that they require the demised shop for its *bona-fide* use and occupation by landlord No.3 for starting his independent business therein whereas in para No.4 of application Annexure P-4, the tenant himself has pleaded that the landlords had sought the eviction of the tenants from shops No. 1 & 2 on the ground that these were required for the business of landlord No.2 and in Annexure P-5, the Reply to application Annexure P-4, the landlords have mentioned that they were arranging for the repair of the first floor and the above-said shops for starting the business of landlord No.2 in these shops. Moreover,

the tenant would get sufficient opportunity to cross-examine the witnesses, as may be examined by the landlords while leading their evidence in the Rent Petition under reference, in respect of the afore-mentioned facts.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any interference by this Court. Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

April 08, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>