

2024:PHHC:037459

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

CR-5881-2023(O&M)
Date of decision: 14.03.2024

Amit Bhandari and others

...Petitioners

Versus

Harsh Saini

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. B.D.Sharma, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

1. The petitioners herein are tenants. A petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 filed by the respondent-Harsh Saini is pending against the petitioner. The petitioners have already filed a detailed and elaborate written statement alleging that the necessity of the landlord's son is not bonafide. Learned counsel representing the petitioners submits that the case is now at the stage of tenant's evidence. An application filed by the petitioners for permission to amend the written statement has been dismissed. In substance, the petitioners want to assert that the landlord's son has left India and is settled in Canada. The Rent Controller has dismissed the application.
2. Learned counsel representing the petitioners contends that this is a relevant fact, which is required to be incorporated in the written statement. He submits that the subsequent developments are required to be taken into account while deciding the case.
3. This Court has considered the submissions made by the learned counsel representing the petitioners.

4. As per Order VI Rule 2 of the Code of Civil Procedure, 1908, the pleadings shall contain only a statement in a concise form of material facts on which the party relies for his claim or defence. However, it is not necessary to incorporate evidence as part of the pleadings. In the opinion of the Court, the plea sought to be taken by the petitioners is a matter of evidence, which he is at liberty to lead as he has already asserted that the necessity of landlord's son is not bonafide.
5. Keeping in view the aforesaid facts, the revision petition is disposed of accordingly.
6. All the pending miscellaneous applications, if any, are also disposed of.

14.03.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE