



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

128

CR-6262-2024 (O&M)**Date of Decision : 28.10.2024**

BAJRANG GUPTA @ BAJRANG KUMAR

.... Petitioner

VERSUS

HANSA DEVI

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Munish Gupta, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been preferred under Article 227 of the Constitution of India for setting aside the order dated 09.08.2024 passed by the Rent Controller, Narnaul whereby the application under Order 14 Rule 5 CPC filed by the landlord-respondent herein was allowed.

2. Brief facts relevant to the present *lis* are that the landlord-respondent filed a petition for eviction under Section 13(3) of the Haryana Urban (Control of Rent and Eviction) Act, 1973 wherein a specific ground was raised that the landlord-respondent requires the premises for use of the daughter-in-law for opening her own business of boutique and jewelry. Reply was filed to the said petition. Issues were framed on 06.12.2021. Issue No.1 related to eviction of the tenant-petitioner only on the ground of arrears of rent. No issue regarding *bonafide* personal necessity was framed. After the parties had led their evidence, an application was filed for framing of an additional issue. The said application was allowed vide impugned order

dated 09.08.2024. Aggrieved by the same the present revision petition has been filed by the tenant-petitioner.

3. Learned counsel for the tenant-petitioner would contend that the eviction petition was filed in the year 2019 and the present application for framing of an additional issue was filed in the year 2024 and hence the same ought to have been dismissed.

4. Heard.

5. In the present case, admittedly, *bonafide* personal necessity was one of the grounds on which the ejectment petition was filed. The parties have also led their evidence to this effect as has been stated by the landlord-respondent in the application itself. Learned counsel for the tenant-petitioner is not in a position to deny that the Rent Controller, while allowing the application vide the impugned order dated 09.08.2024, has granted an opportunity to both the parties to lead evidence on the additional issue. In view of the fact that one of the specific grounds in the ejectment petition was *bonafide* personal necessity and the same has not been covered in the issues which had earlier been framed by the Rent Controller, the application has rightly been allowed and no fault can be found with the impugned order dated 09.08.2024 passed by the Rent Controller concerned.

6. In view of the above, I do not find any merit in the present revision petition. The present revision petition, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

28.10.2024

Aman Jain

NOTE:

(ALKA SARIN)

JUDGE

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No