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

CR-1556-2025**Date of Decision: 17.03.2025**

Davinder Singh

....Petitioner

Versus

Vijay Kumar

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sachin Kalia, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL).

The present revision petition is directed against the order dated 20.02.2025 (Annexure P-5) passed by the Court of learned Rent Controller, Ludhiana vide which the application moved by the petitioner-tenant under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (for short 'CPC') for amendment of the written statement was dismissed.

2. The facts, as emanating from the revision petition, are that that respondent-landlord Vijay Kumar filed a petition (Annexure P-1) under Section 20 of the Punjab Rent Act, 1995 (for short 'Rent Act') for eviction of the petitioner-tenant from House No.10456 situated at Ranjodh Park, St. No.4, Haibowal Kalan, Tehsil and District Ludhiana (hereinafter referred to as the 'demised premises') on the ground of non-payment of rent. The said petition was opposed by way of reply (Annexure P-2) in which the relationship of landlord and tenant was admitted but it was denied that the petitioner-tenant was in arrears of rent.

3. During the pendency of the petition, an application (Annexure P-3) under Order 6 Rule 17 CPC was moved by the petitioner-tenant seeking to

incorporate paragraphs No.12 to 15 in the preliminary objections essentially stating that the respondent-landlord was not the owner of the demised premises and that there was no relationship of landlord and tenant between them on account of the said fact. The said application was opposed by way of reply (Annexure P-4). The application was dismissed by way of the impugned order dated 20.02.2025 (Annexure P-5), leading to the filing of the present revision petition.

4. I have heard learned counsel for the petitioner.

5. Learned counsel for the petitioner submits that the impugned order is not sustainable, since, the only fact that the petitioner-tenant wanted to incorporate in the written statement was that the respondent-landlord was actually not the owner of the demised premises.

6. I have considered the submissions made by learned counsel for the petitioner but find the same to be devoid of merit.

7. The Court of learned Rent Controller, Ludhiana dismissed the application primarily on the ground that though the rent petition had been filed in the year 2022, the application was filed in the year 2025 and no such plea had been taken in the written statement. It was also held that the petitioner-tenant had not been found to be diligent in pursuing his case. It was further held that such pleas could not be permitted to be taken after much progress had taken place in the trial. In the considered opinion of this Court, the Court of learned Rent Controller, Ludhiana, though rightly dismissed the application, the correct reasons for dismissing the same were not recorded. It is settled law that in an eviction petition, the issue of ownership is not relevant. Still further, it is also settled that a landlord can very well institute an eviction petition, even if he is not the owner. Even otherwise, in the written statement, a clear cut stand had been taken that the demised premises had been taken on rent by the petitioner-tenant from the

respondent-landlord vide Rent Agreement dated 15.09.2021 and the rent was mutually agreed at Rs.10,000/- per month. Other averments were also made and the receipt of legal notice etc. was also admitted. It is, therefore, clear that the relationship of landlord and tenant was admitted. The petitioner-tenant cannot be permitted to change his stand by way of an amendment that there was no relationship of landlord and tenant. On a specific query put to learned counsel, he fairly submits that the rent note had been executed between the parties as has been stated in the written statement but despite clear instructions having been given to learned counsel representing the petitioner-tenant, the fact regarding the respondent-landlord not being the owner of the demised premises was not incorporated. In the considered opinion of this Court, this argument is devoid of merit, for the reasons recorded hereinbefore.

In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed.

(VIKRAM AGGARWAL)
JUDGE

17.03.2025

Prince Chawla

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*