

Amendment Sought in His Written Statement by the Petitioner- Vs. Ashok Kumar

Amendment Sought in His Written Statement by the Petitioner- Vs. Ashok Kumar

SooperKanoon Citation : sooperkanoon.com/1162014

Court : Punjab and Haryana

Decided On : Aug-14-2014

Appellant : Amendment Sought in His Written Statement by the Petitioner-

Respondent : Ashok Kumar

Judgement :

CR No.5405 of 2014 -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CR No.5405 of 2014 Date of decision: August 14th , 2014 Kala ...Petitioner Versus Ashok Kumar ...Respondent CORAM: HON'BLE MR.JUSTICE DR.

BHARAT BHUSHAN PARSOON Present: Mr.Raj Kumar Chandana, Advocate for the petitioner.

**** Dr.Bharat Bhushan Parsoon, J.

(Oral) 1.

Amendment sought in his written statement by the petitioner- tenant has been declined vide order dated 7.5.2014 (Annexure P-5) because the tenant wanted to change his stand completely and absolutely.

There is earlier admission on his part that his landlord is Ashok Kumar and now he wants to plead that not Ashok Kumar but rather Smt.

Rama Rani is owner and is his landlord.

He intends to further plead that since Ashok Kumar was not the owner, he had no locus-standi to let out the premises and also was not legally competent to file the petition for eviction.

It is also sought to be pleaded that rent note already executed between the petitioner-tenant and Ashok Kumar is of no consequence and does not create any right.

2.

The Rent Controller has very deftly and elaborately discussed all these aspects and has rightly observed that since there were no cogent reasons for withdrawal of the admissions already made by the tenant, there was no merit in the request for amendment of his written statement sought by him.

It is correctly observed by the Rent Controller that amendment sought for by the Mohan Brij 2014.08.19 15:31 I attest to the accuracy and integrity of this document Chandigarh CR No.5405 of 2014 -2- petitioner-tenant not only entirely changes the nature of the case but is rather a ploy to avoid payment of rent by denying relationship of landlord and tenant already admitted by the tenant.

3.

Viewed from another angle, merely because Ashok Kumar was not owner of the premises in dispute, he cannot be denied the status of landlord qua the petitioner-tenant because rent note was executed between them and tenancy was also incepted in favour of the petitioner-tenant by non- applicant/landlord Ashok Kumar.

In addition to the fact that there are no circumstance to justify withdrawal of admissions already made by the petitioner-tenant, the amendment sought for is clearly to achieve purpose of delaying the matter and for non-payment of rent.

In fact the petitioner tenant is misusing the process of law.

4.

Dismissed with costs of `5,000/- The cost will be deposited with District Legal Services Authority, Ludhiana.

August 14th , 2014 (Dr.Bharat Bhushan Parsoon) Brij Judge Mohan Brij
2014.08.19 15:31 I attest to the accuracy and integrity of this document
Chandigarh

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com