
(1979) 03 P&H CK 0011
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 2375/78

Narain Datt

APPELLANT

Vs

Kidar Nath and others

RESPONDENT

Date of Decision : 23-03-1979

Acts Referred:

Citation : (1979) 03 P&H CK 0011

Hon'ble Judges : M.R. Sharma, J

Bench : Single Bench

Advocate : H.L. Sibal, with Mr. N.K. Sodhi, for the Appellant; H.L. Sarin with Mr. S.K. Gowari, for the Respondent

Final Decision : Dismissed

Judgement

M.R. Sharma, J.—The order of eviction has been passed against the tenant-petitioner on the grounds that Sham Sunder landlord needs the premises for his personal use and for nonpayment of rent by the petitioner on the first date of hearing. The petition for ejectment was filed on behalf of Kedar Nath and Sham Sunder, who claimed themselves to be the landlords, along with one Brij Mohan who was residing in U.S.A. This allegation was not denied in the written statement. Mr. Sibal states that subsequently when the rent-note was filed it transpired that Kedar Nath alone was described as the landlord in that rent note. According to him, on coming to know of this fact the tenant-petitioner applied for being allowed to amend his written statement but was disallowed to do so on the ground that the application had been filed after great delay. The learned Rent Controller accepted the plea that Sham Sunder landlord needed the building for his personal use and ordered the eviction of the petitioner. The appeal filed by him was also dismissed.

2. When the case came up before me for preliminary hearing on December 13, 1978, it was asserted that the petitioner denied the relationship of landlord and tenant and for that reason the learned Rent Controller had no jurisdiction to order the eviction of the petitioner. That ground is not being pressed by Mr. Sibal

at this stage. He has challenged the decisions rendered by the learned Tribunals below on the ground that the petitioner should have been allowed to amend the written statement and to urge that since Sham Sunder was not the landlord, his ejectment could not be ordered for his personal necessity.

3. It is conceded that if the admission made by Smt. Sita Devi, mother of the landlord-respondent, as contained in Ex. RW-2/1 is ignored, even then the rent paid on the date of first hearing was short by about Rs. 1.60. Even though this amount is insignificant yet the statute does not seem to have been complied with. This consideration apart, the petitioner after having accepted Sham Sunder as the landlord in the written statement filed by him earlier could not have been allowed to turn around to assert that the premises could not be got vacated for the benefit of Sham Sunder respondent. The order under revision does not suffer from any illegality or irregularity in the exercise of jurisdiction nor does it appear to be unjust or improper. There is no force in this petition which is hereby dismissed.