

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****134****CR-1678-2025 (O&M)****Date of decision: 20.03.2025****Darshan Singh****...Petitioner(s)****Vs.****Vishwas Dua****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Hitesh Ghai, Advocate for the petitioner.

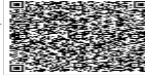
Mr. Mohit Vashishat, Advocate for the respondent.

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**NIDHI GUPTA, J.**

The present petition has been filed by the tenant under Article 227 of Constitution of India for setting aside the impugned order dated 12.08.2024 (Annexure P-6), whereby application (Annexure P-4), filed by the petitioner for seeking amendment of leave to contest application filed under Section 18-A (5) read with Sub Section 4 of the East Punjab Rent Restriction Act 1949 (hereinafter referred to as "the Act") in Rent Petition bearing No. RP/639/2023 titled '*Vishwas Dua through SPA versus Dharshan Singh*' was dismissed; and impugned order dated 15.02.2025 (Annexure P-9) whereby review application (Annexure P-7) to review order dated 12.08.2024, was also dismissed.

2. Memo of appearance filed on behalf of the respondent in Court today is taken on record.

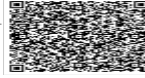


3. Learned counsel for the petitioner/tenant *inter-alia* submits that the learned Rent Controller is in patent error in not permitting the petitioner to amend the leave to contest application under Section 18-A of the Act as it has failed to appreciate that a very innocuous amendment was sought to be carried out by the petitioner. It is submitted that the proposed amendment was only in respect of the size of the shop, and therefore no prejudice would have been caused to the respondent-landlord. The discrepancy in the measurements of the shop in question came to the notice of the petitioner only on 25.10.2023. Accordingly, petitioner had filed the present application seeking amendment of the application for leave to contest. The said amendment was necessary for the proper adjudication of the matter. Admittedly, application for leave to contest was filed by the petitioner well within stipulated period of 15 days. The application for amendment would in no manner have affected the limitation period. That the reason given by the learned Rent Controller for dismissing the application of the petitioner is incorrect. It is accordingly prayed that the impugned orders be set aside.

4. No other argument is raised on behalf of the petitioner/tenant.

5. I have heard learned counsel for the petitioner/tenant and perused the case file in great detail.

6. I find no merit whatsoever in the submissions advanced on behalf of the petitioner. The facts on record are that the respondent/landlord had filed ejectment petition dated 16.08.2023 (Annexure P-1) under Section 13-B of the Act seeking ejectment of the

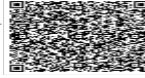


petitioner from the demised shop measuring 6' x 11'. The petitioner had filed an application for leave to contest on 27.09.2023 (Annexure P-2); to which the respondent/landlord had filed reply dated 22.11.2023 (Annexure P-3).

7. It is thereafter that the petitioner filed the present application on dated 19.01.2024 (Annexure P-4) seeking amendment of application for leave to contest, averring therein that dimensions of the shop are incorrectly mentioned whereas:

*".....actual size of shop in question is 6'9" on Southern side (Front of shop), 12'3" on Eastern side, 6'8" on Northern side (backside of shop) and 12'6" on Western side, and there exists a parchatti in shop in question"*

8. First and foremost, the dimensions of the demised shop was not disputed by the petitioner in the application dated 27.9.2023 filed by the petitioner seeking leave to contest. As per the petitioner the said anomaly came to his knowledge on 25.10.2023 when building expert visited the site and inspected the shop in question. Even if that be so, the present application for amendment has been filed by the petitioner almost 4 months thereafter on 19.1.2024. No explanation has been given by learned counsel for the petitioner for this delay. As such, the application of the petitioner was correctly dismissed by the learned Rent Controller on the ground that the said application is beyond limitation and that the Rent Controller has no power to extend the limitation. I find no error in the said reasoning as, in case the amendment is allowed, it would amount to filing the leave to contest application at a subsequent stage, when, as per law,



application for leave to contest is required to be mandatorily filed within 15 days. Moreover, the actual dimensions of the shop is a matter of evidence and it is prerogative of the landlord to mention the size of the shop in ejection petition.

9. For the above noted reasons, I find no error in the dismissal of the application of the petitioner by the Rent Controller vide order dated 12.08.2024 (Annexure P-5); and the dismissal of the review application thereto vide order dated 15.02.2025 (Annexure P-9) as there was no error apparent in the order dated 12.08.2024.

10. Thus, the present civil revision petition is hereby **dismissed**.

11. Pending applications, if any, stand disposed of.

**20.03.2025**

Divyanshi

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No

**(NIDHI GUPTA)**  
**JUDGE**