



CR-6327-2025 (O&M)

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

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**CR-6327-2025 (O&M)
Reserved on:-10.09.2025
Pronounced on:- 12.09.2025**

Jaspal Singh

....Petitioner

VERSUS

Bimla Wati (since deceased) through her LRs

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Prateek Sodhi, Advocate for the petitioner.

Mr. A.P.S.Sandhu, Advocate and
Mr. Gourav Singla and Mr. Ashish Kaushik, Advocates
for the respondents.

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MANDEEP PANNU J.

1. Present revision petition has been directed against the order dated 13.08.2025 passed by the learned Rent Controller, whereby the application filed by the petitioner/tenant for amendment of the written statement was dismissed.

Brief Facts

2. The brief facts are that the respondent-landlord had filed an eviction petition in the year 2019 seeking eviction of the petitioner/tenant from the demised shop on the grounds of non-payment of rent, material impairment and bona fide requirement of the landlord's grandson Bhavesh. During the pendency of the eviction petition, the landlord died on 05.02.2022 and Bhavesh was impleaded as legal representative on 24.05.2022.

3. The tenant filed written statement and thereafter sought an amendment to correct certain typographical errors, which was allowed. Later, another amendment application was filed by the tenant alleging that the premises



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was Shamlat land, which came to be dismissed by order dated 15.04.2024. The case was thereafter fixed for evidence of the landlord. Examination-in-chief of Bhavesh as well as his father Rajesh Aggarwal was recorded, whereupon the tenant sought to rely upon a video recording of Rajesh Aggarwal allegedly admitting that eviction proceedings were initiated only to enhance rent. That application too was dismissed on 02.12.2024.

4. Subsequently, during the pendency of proceedings, the tenant claimed that he came to know that Bhavesh had obtained possession of two shops in Gandhi Chowk in which he was running a business under the name M/s Sunshine Mobiles. Based upon this, the tenant filed another application dated 10.03.2025 seeking amendment of the written statement to plead the said subsequent development and to place on record a video footage of September 2024 to negate the ground of bona fide requirement. The landlord filed reply and also moved an application under Order 11 Rule 14 CPC for supply of copy of the pen drive containing the alleged video. That application was allowed on 23.05.2025 and copy was supplied. After hearing both sides, the Rent Controller dismissed the amendment application filed by the tenant vide order dated 13.08.2025, holding *inter alia* that no due diligence had been exercised by the tenant, that the proposed amendment was belated and mala fide, and that this was the third amendment application, filed only with an intent to delay the proceedings.

5. Aggrieved, the tenant has filed the present revision petition.

Submission of learned counsel for the parties

6. Learned counsel for the petitioner/tenant argued that during the proceedings before the Rent Controller, it came to light that Bhavesh had secured possession of two shops in Gandhi Chowk and was running a mobile business



there. This subsequent event directly strikes at the plea of bona fide requirement, and therefore, amendment was necessary to bring this fact on record. Reliance has been placed upon *Ashok Kumar v. Mohinder Pal Singh and another 2008 (1) RCR (Civil) 772*, where this Court allowed amendment of the written statement at a belated stage in view of subsequent events, holding that such amendment is essential for proper adjudication of the controversy. Counsel has further relied upon *Gurnam Singh v. Hari Mohan 2001 (1) RCR (Civil) 662*, where it was observed that subsequent events can be taken note of, and amendment cannot be declined merely because it was sought at a later stage.

7. *Per contra*, learned counsel for the respondent/landlord has argued that no illegality has been committed by the Rent Controller in dismissing the application. It is submitted that the amendment is not maintainable as the rights of the parties crystallise on the date of filing of the eviction petition. Reliance has been placed upon *Rakesh Aggarwal and another v. Urmil Rani Khosla alias Urmil Rani 2025 (1) RCR (Rent) 312*, wherein this Court held that satisfaction of conditions of bona fide requirement under Section 13(3)(a)(i) of the Rent Act has to be seen as on the date of filing of eviction petition, and the law does not prohibit landlord from acquiring further properties during pendency of the petition. It is further argued that this was the third amendment application moved by the tenant, earlier two having been decided, which itself shows that the tenant is only delaying proceedings.

Findings

8. It is well settled that amendments in pleadings are generally to be allowed if they are necessary for effective adjudication of the real controversy between the parties, and if they do not change the nature of the case. Where



subsequent events have a material bearing on the rights of the parties, courts have permitted incorporation of such events by way of amendment so that the lis can be adjudicated effectively. However, the proviso to Order 6 Rule 17 CPC mandates that once the trial has commenced, no amendment shall be allowed unless the party satisfies the Court that in spite of due diligence, the matter could not be raised earlier. The “due diligence” requirement is of considerable significance, particularly where repeated applications are filed or where delay is apparent. It is equally settled that in rent matters, the requirement of the landlord is to be seen on the date of filing of eviction petition, and subsequent acquisition of property by the landlord during pendency of the petition does not ipso facto defeat the claim of bona fide requirement.

9. Applying the above principles, it is evident that the present is the third application for amendment moved by the tenant. One amendment was allowed and another dismissed earlier. The proposed amendment is based upon alleged subsequent events of 2024, whereas the eviction petition was filed in 2019 and has already been pending for long. The tenant has not explained why the facts now sought to be incorporated were not pleaded at the earliest opportunity after coming to his knowledge. The Rent Controller has rightly noted that there is absence of due diligence on the part of the tenant.

10. Coming to the case law cited, *Ashok Kumar (supra)* and *Gurnam Singh (supra)* indeed lay down the principle that subsequent events can be taken note of by way of amendment in order to determine the real controversy. However, those were cases where the subsequent events had a direct bearing on the issue and where the amendment was not found to be mala fide or intended to delay proceedings. On the other hand, in the present case, the facts already pleaded in the



eviction petition made the tenant aware of the circumstances, yet no timely steps were taken. The application is the third in the series, and it clearly appears that the attempt is to prolong the litigation.

11. Moreover, the ratio of *Rakesh Agarwal (supra)* squarely applies here. It was categorically held that rights of the parties in eviction proceedings crystallise on the date of filing of the petition, and there is no restriction on the landlord acquiring further property during pendency of the case. The requirement of Section 13(3)(a)(i) of the Rent Act is to be examined as on the date of filing, and subsequent acquisition does not defeat the ground of bona fide requirement. Therefore, even if Bhavesh obtained possession of shops in 2024, that by itself would not negate the bona fide requirement pleaded in 2019.

12. Thus, the judgments relied upon by the petitioner are distinguishable on facts, whereas the principle in *Rakesh Agarwal's case (supra)* governs the present case.

Conclusion

13. In view of the above discussion, it is evident that the learned Rent Controller has rightly dismissed the application for amendment of the written statement filed by the tenant. The application suffers for want of due diligence, is belated, and is the third in a series of amendment applications filed with the intent of delaying the proceedings. The plea of subsequent acquisition of shops by the landlord's grandson is not relevant for adjudication of bona fide requirement, as the rights of the parties are to be adjudged on the date of filing of the eviction petition. The conduct of the tenant in filing one amendment after another, coupled with belated pleas, clearly reflects an intent to delay. Such abuse of process cannot be permitted.



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14. Accordingly, this Court finds no illegality or infirmity in the impugned order dated 13.08.2025 passed by the learned Rent Controller. The present civil revision petition is, therefore, dismissed.

15. Pending application(s), if any, also stand disposed of.

September 12, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No