

2025:PHHC:078142



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

**CR-1234-2025 (O&M)**

**Date of Decision: July 02, 2025**

**Martin & Harris Private Limited**

**. . . . Petitioner**

**Vs.**

**Shri Ranvir Uppal and others**

**.. . . RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. H.K. Tikku, Sr. Advocate with  
Mr. Manav Bajaj, Advocate for the petitioner.

Mr. Anish Setia, Advocate for the respondents.

**DEEPAK GUPTA, J.**

It is tenant's revision petition against the order dated 06.02.2025 (*Annexure P-16*), whereby learned Rent Controller, Chandigarh has declined petitioner's application under Order 6 Rule 17 CPC to amend the written statement, in a petition filed by landlords - Ranvir Uppal and others (*respondents herein*) under Section 13 of the East Punjab Urban Restriction Act.

2. It is not in dispute that petitioner herein is the tenant of the respondents herein of the demised premises, which is basement and second floor of SCO NO.1 in Sector 26, Madhya Marg, Chandigarh. Ejectment has been sought on the ground of bonafide necessity. The petition was filed way back in 2013.

3. It is contended by learned Sr. counsel for the petitioner that in the ejectment petition (*copy Annexure P-1*), the landlords, i.e. respondents herein did not mention either the boundaries or the dimensions of the

tenanted premises. It is the tenant, i.e. petitioner herein, which in its written statement (*copy Annexure P-7*) pleaded that area of basement was 2820 sq. feet and that of the second floor was 3450 sq. feet. During evidence, one of the landlords Mr. Sudhir Uppal appeared as a witness and in his affidavit (*copy Annexure P-4*) stated that basement consisted of 2200 sq. feet and the second floor was of 2700 sq. feet. Learned senior counsel for the tenant-petitioner submits further that the petitioner-tenant got the area of the tenanted premises measured from an architect and as per site plan prepared by him (*copy Annexure P-10*), the carpet area of the basement excluding stair case was 2173.12 sq. feet, and the carpet area excluding stair case of the second floor was 2115.47 sq. feet.

4. It is contended that it is in order to incorporate the correct measurements of the tenanted premises, i.e. basement and second floor of the SCO in question that an application under Order 6 Rule 17 CPC was moved seeking amendment of the written statement, but the same has been declined by learned Rent Controller by way of impugned order.

5. Learned counsel for the tenant-petitioner submits that simply because the case had reached at the fag end, could not be a reason to decline the amendment for incorporating the correct facts before the Court. Learned counsel has relied upon "***Manohar Lal v. Jai Parkash***" **CR No.7797 of 2014**, decided by a co-ordinate Bench vide order dated **19.04.2017**, besides "***Sajjan Kumar v. Ram Kishan***", **(2015) 13 SC 89** to contend that if the proposed amendment is necessary for the purpose of bringing to the Court the real controversy in question between the parties, the refusal to permit the amendment would create a needless complication at the stage of execution.

6. Refuting the contention, learned counsel for the landlords-respondents submits that amendment had been earlier allowed to the tenant-petitioner several times and the present application was moved at the fag end with the sole intention to delay the matter and therefore, learned Rent Controller had rightly declined the application. It is also stated by Ld.

counsel that the case is now fixed before learned Rent Controller for 18.07.2025 for awaiting the orders of this Court, as it is already at the stage of final arguments.

7. At this, learned senior counsel for the tenant-petitioner has made a categorical statement before this Court that the tenant-petitioner will not lead any fresh evidence nor will plead its case beyond the material already on record, and that the tenant-petitioner may be permitted only to file the amended written statement.

8. Learned counsel for the landlords-respondents submits that to the aforesaid extent, this petition may be disposed of to the effect that in case tenant-petitioner is not permitted to lead any fresh evidence or put forth any new case.

9. In view of the aforesaid submissions of both the sides, present petition is hereby disposed of by setting aside the impugned order dated 06.02.2025 (Annexure P-16) with a direction to learned Rent Controller to permit the tenant-petitioner to file the amended written statement. However, it is made clear that tenant-petitioner will not be permitted to lead any fresh evidence nor would be permitted to make out a new case. The Court of learned Rent Controller shall fix a date on 18.07.2025 for addressing arguments by both the parties and none of the parties will seek further adjournment, as per the undertaking made before this Court.

**July 02, 2025**

*Sarita*

**(DEEPAK GUPTA)**

**JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No