



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

128

CR No.3888 of 2025 (O&M)

Date of Decision :23.07.2025

CHANDER BHAN THROUGH SPECIAL POWER OF ATTORNEY  
ASHWANI KINGER

.....Petitioner

Versus

KAMAL KRISHAN

..... Respondent

CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL

Present: Mr. Inderpreet Singh Kooner, Advocate for the petitioner.

Mr. Akhil Ahuja, Advocate for the respondent-caveator.

VIKRAM AGGARWAL, J. (Oral):

The present revision petition assails the order dated 22.05.2025 (Annexure P-7), passed by the Court of Rent Controller, Nabha, vide which the application moved by the petitioner-tenant under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (for short 'CPC'), seeking amendment in the written statement was dismissed.

2. The facts, as emanating from the revision petition, are that the respondent-landlords instituted a petition (Annexure P-1) under Section 13 of the East Punjab Rent Restriction Act, 1949 (hereinafter referred to as the 'Rent Act') seeking eviction of the petitioner-tenant from a shop situated at Sadar Bazar, Nabha on the grounds of non-payment of rent, personal necessity and the shop having been rendered unsafe and unfit for human habitation.

3. Written statement (Annexure P-2) was filed opposing the grounds of eviction.

4. During the pendency of the eviction petition, an application was



moved by the respondent-landlord for getting the shop inspected by a building expert. In the meantime, the petitioner-tenant filed an application (Annexure P-5) under Order 6 Rule 17 CPC seeking amendment in the written statement. It was averred that while examining the file, it had come to the knowledge of the petitioner-tenant that on 14.01.2024, the respondent-landlord had threatened his son on phone and had later come to the tenanted shop along with his partymen and had damaged the Chobara on the tenanted shop. Video clips and photographs were attached with the application. It was also averred that when the cross-examination of the respondent-landlord was being carried out, the said photographs had been put to him and he had admitted his presence and presence of his partymen at the Chobara on the tenanted shop. He also admitted that there is a back gate to reach the Chobara. It was also averred that an application had also been moved to the police with regard to the alleged incident but the police did not take any action. The petitioner-tenant wanted to introduce the said fact in the written statement.

5. The application was opposed by way of a reply (Annexure P-6) in which it was averred that the application was not supported by any affidavit and the application had been moved on the 8<sup>th</sup> date for the cross-examination of the respondent-landlord. It was averred that even in the cross-examination, this fact was not clearly put and the written statement was also filed after the said date. It was averred that such pleas could not be permitted to be introduced.

6. By way of the impugned order, the application was declined leading to the filing of the instant revision petition.

7. I have heard learned counsel for the parties.

8. Learned counsel for the petitioner has strenuously urged that the



amendment would be essential for the just decision of the case. He further submits that the law as regards amendment of written statement is much more liberal than that pertaining to the amendment of plaint. He further submits that the eviction petition is at the very initial stage and no prejudice would be caused to the respondent-landlord if the amendment is permitted to be made. He submits that landlord had, in fact, himself admitted the said fact in his cross-examination by admitting his presence in the photograph.

9. Per contra, learned counsel representing the respondent-caveator has opposed the prayer stating that such averments which were aimed at filling up the lacuna cannot not be permitted. It has been argued that a suit for injunction had also been filed by the petitioner-tenant which was decreed on 22.05.2025 on a statement having been given by the respondent-landlord that the petitioner-tenant would not be evicted except in due course of law. He submits that even in the said suit, this issue was never raised.

10. I have considered the submissions made by learned counsel for the parties.

11. In the written statement, which was filed on 29.06.2024, no incident of 14.01.2024 was mentioned. It was not even mentioned that some damage has been caused to the property. It was only mentioned that there had been a threat from the respondent-landlord that the property would be damaged:-

**“(iii) Now after the death of Principal landlord Mahant Hari Dass and his successor Chela Tarveni Dass, no person being legal heirs of the landlord or successor in interest has ever informed the respondent-tenant that who were the legal heirs or successors after their death, however, when in the first week of January 2024, the petitioner along with his friends came to the shop of respondent and apprised them that the legal heirs of Mahant Hari Dass and Tarveni**



Dass intends to sell their property including the tenanted shop but that deal could not be materialized qua hefty sale price, denial of giving six months time to arrange money and the percentage of Commission fee. Thereafter, the petitioner along with many persons threatened to cause damage to the tenanted shop and interfere in the peaceful possession of the respondent-tenant and dispossess him illegally and forcibly by taking the law in their hands, the respondent-tenant filed a suit for permanent Injunction in the court of learned Additional Civil Judge (Senior Division), Nabha against the present petitioner and other persons who are named in the plaint on 12/15.01.2024 registered as CS/19/2024 by CJ JD, Nabha (Sh. Balkar Singh) to whom the case was entrusted. The petitioner (defendant No.4 in the suit) appeared through his counsel. Said suit is titled as Chander Bhan Vs Jaswinder Kaur etc. is pending and is fixed for today for filing replication in which order of status quo was passed. Copy of the Plaint and status quo order is annexed herewith.”

12. In the cross-examination of the respondent-landlord who appeared as PW-1 also no reference was made to the incident of 14.01.2024 and only some photographs were put to him. The respondent-landlord identified one Kapil in the photograph and admitted that these photographs were of the Chobara. He also admitted that there is a back entry leading to the Chobara. He stated that he did not know when Kapil Kumar had gone to the Chobara. He also stated that he was accompanied by one or two friends of his but he did not remember their names. The cross-examination of the witness was deferred and thereafter the application was filed.

13. The Supreme Court of India has laid down certain principles as regards amendment of pleadings in various judgments especially in the case of **Revajeetu Builders & Developers versus Narayanaswamy & Sons & Others 2009 (10) SCC 84**, and **Life Insurance Corporation of India versus Sanjeev Builders Private Limited & Anr. 2022 AIR (Supreme Court)**



4256:-

**“67. On critically analyzing both the English and Indian cases, some basic principles emerge which ought to be taken into consideration while allowing or rejecting the application for amendment.**

**(1) Whether the amendment sought is imperative for proper and effective adjudication of the case?**

**(2) Whether the application for amendment is bona fide or mala fide?**

**(3) The amendment should not cause such prejudice to the other side which cannot be compensated adequately in terms of money;**

**(4) Refusing amendment would in fact lead to injustice or lead to multiple litigation;**

**(5) Whether the proposed amendment constitutionally or fundamentally changes the nature and character of the case? and**

**(6) As a general rule, the court should decline amendments if a fresh suit on the amended claims would be barred by limitation on the date of application.”**

14. It is not in dispute that law as regards amendment of written statement is much more liberal than that regarding amendment of plaint. It is also not in dispute that the suit is in a way, at the initial stage, for, only PW-1 is being examined. However, in the considered opinion of this Court, the petitioner-tenant wants to introduce a plea to justify the stand taken by him in cross-examination. Admittedly, the eviction petition was instituted on 22.01.2024 and written statement was filed on 29.06.2024. The alleged incident is of 14.01.2024. It is the case of the petitioner-tenant that inadvertently, the said plea was not incorporated in the written statement. If that was the case, the petitioner-tenant instituted a suit for injunction against the respondent-landlord on 12.01.2024. It was decreed on 22.05.2025 on a statement having been given by the respondent-landlord that he would not evict the petitioner except in due course of law. Even during the proceedings of that suit, no such stand was brought on record. No doubt the suit was filed two



days prior to the alleged incident. However, stay in favour of the petitioner was granted initially on 15.01.2024. Even at that time, concededly, the petitioner did not bring the said facts to the notice of the Court. The date therefore, seems to be an afterthought and such pleadings cannot be permitted to be introduced by way of amendments as they would cause prejudice to the other side. Still further, the petitioner-tenant has not been able to prove that despite due diligence this pleading could not be incorporated firstly, in the written statement and then again during the course of the suit instituted by the petitioner-tenant himself. In fact, the petitioner-tenant has not annexed any proceedings as regards the other suit with the present revision petition and the aforesaid dates have been given by learned counsel for the parties during the course of arguments. Since the parties, were not at variance with regard to the aforesaid facts, this Court has relied upon the same.

15. Keeping in view the principles enunciated as regards the law of amendment and the facts of the present case, the trial Court did not commit any illegality in rejecting the application for amendment.

16. In view of the aforesaid facts and circumstances, the instant revision petition is found to be devoid of merit and is accordingly dismissed.

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

**(VIKRAM AGGARWAL)**  
**JUDGE**

**23.07.2025**

*Manoj Bhutani*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No