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

**CR-1953-2025
Date of decision:-28.03.2025**

Mandeep Singh

...Petitioner

Versus

Dalbara Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr. Sunny K. Singla, Advocate
for the petitioner.

SUVIR SEHGAL, J.(ORAL)

1. Assailing order dated 06.03.2025, Annexure P4, passed by the Rent Controller, Malerkotla, whereby an application for amendment of the written statement has been rejected, petitioner/tenant has approached this Court by way of instant revision petition.

2. Counsel for the petitioner submits that the premises was taken on rent from Charanjit Kaur, who has expired and there is a litigation pending amongst her LRs. He asserts that an eviction petition has been filed by respondent who is the son of Charanjit Kaur, without taking the consent from other heirs and by concealing the pendency of litigation amongst siblings. Counsel submits that these facts deserve to



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be incorporated in the written statement and Rent Controller has erred in rejecting the application, Annexure P3, for its amendment.

3. I have heard counsel for the petitioner and considered his submissions besides examining the paper-book with his able assistance.

4. Respondent/landlord filed a rent petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for eviction of the petitioner from a shop in Ahmedgarh, District Sangrur on the ground that the petitioner is in arrears of rent and that the landlord needs the premises for his personal use and occupation. Eviction petition was instituted on 04.01.2018 and upon being served, petitioner/tenant filed his reply dated 11.04.2018, Annexure P1/A. Rent Controller framed issues on 08.05.2019, Annexure P2, and the parties are leading evidence in support of their respective case. Respondent/landlord closed his evidence on 02.08.2019 and the petitioner is in the course of producing his witnesses, when application, Annexure P3, has been filed by him, which has been rejected vide order impugned herein.

5. A perusal of the application, Annexure P3, shows that the petitioner/tenant has claimed that he came to know that there are other legal heirs of Charanjit Kaur and there is an inter se dispute between them with regard to the tenanted premises and other properties of the deceased. It has been averred by him that the consent of the other heirs has not been taken before filing the eviction petition. Reference has also been made to a civil suit, Annexure P5, filed by the respondent in September, 2020, challenging a sale deed 07.02.2020 pertaining to a share in the tenanted shop. Application is silent as to when the petitioner



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gained knowledge of the pendency of the litigation. There is not even a whisper or explanation, which can lead this Court to an inference that the petitioner has exercised due diligence. Application, Annexure P3, has been filed by the petitioner after he had availed numerous opportunities to lead his evidence and when the Rent Controller vide order dated 10.01.2025 adjourned the proceedings for remaining evidence of the petitioner by granting him last opportunity. It is, therefore evident that the application has been filed by the petitioner simply to protract the conclusion of the eviction petition.

6. In *Basavaraj Versus Indira and others (2024) 3 SCC 705*, Hon'ble Supreme Court has observed that the burden is on the party seeking amendment after the commencement of the trial to show that inspite of due diligence, such an amendment could not be brought about earlier. Petitioner has failed to discharge the burden. Rather it is evident that the application is not *bona fide*. There is no illegality or irregularity in the order passed by the Rent Controller, Malerkotla.

7. Petition being devoid of merit is dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

28.03.2025

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No