



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

124

CR No.319 of 2025
Date of decision: 20.01.2025

Prabhjot Singh

...Petitioner

V/s

Harpreet Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. J.S. Lalli, Advocate, and
Mr. Manish Verma, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is directed against the order dated 26.11.2024 (Annexure P-4) passed by the Court of learned Rent Controller, Ludhiana, vide which the application (Annexure P-3) filed by the petitioner under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (for short the "CPC") for amendment of the written statement was dismissed.

2. An eviction petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short the "Act of 1949") was filed by the respondent-landlord Harpreet Singh against the petitioner-tenant Prabhjot Singh for his eviction from a shop, situated in Peeru Banda, Abadi Link Road, Street No.1, Dashmesh Nagar, Tehsil and District Ludhiana on the ground of non-payment of rent and personal necessity.

3. The eviction petition was opposed by way of written statement (Annexure P-2), in which apart from the merits of the matter, a preliminary objection was raised that the shop in question had already been sold with roof



rights to the father of the present petitioner and full and final sale consideration had been received.

4. Subsequently, an application under Order 6 Rule 17 CPC was moved for amendment of the written statement, seeking to incorporate the factum of a suit for specific performance of agreement to sell having been filed during the pendency of the petition. The said application was dismissed by the Court of learned Rent Controller, Ludhiana leading to the filing of the present revision petition.

5. I have heard learned counsel for the petitioner.

6. Sh. J.S. Lalli, learned counsel representing the petitioner has submitted that the Court of learned Rent Controller erred in dismissing the application for amendment. He submits that only a small fact was to be incorporated and the same would, in no manner, change the nature of the defence set up by the petitioner. He further submits that the Courts have to be liberal in permitting amendments, especially those in written statements. He further submits that that the suit is at a very initial stage and the trial has essentially not begun. He further submits that the application fulfills the requirements of Order 6 Rule 17 CPC and, therefore, the Court concerned erred in rejecting the application.

7. I have considered the submissions made by learned counsel for the petitioner.

8. Order 6 Rule 17 lays down as under:-

“The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties:

Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in



spite of due diligence, the party could not have raised the matter before the commencement of trial.”

9. It is not in dispute that law regarding amendment of written statements is different from the law regarding amendment of a plaint. However, the relevance of an amendment is also a factor which is to be considered. In the case of ***Revajeetu Builders & Developers Vs. Narayanaswamy & Sons & others***, 2010(1) RCR (Civil) 27, the Hon’ble Apex Court, while examining the entire law on the subject laid down the following principles qua amendment of pleadings:-

“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.”

10. A perusal of the aforesaid shows that permission can be granted to alter or amend the pleadings at any stage, preferably before the commencement of the trial unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of the trial. It also lays down that either party may be allowed



to alter or amend the pleadings if they are so necessary for the purpose of determining the real questions in controversy between the parties. This Court finds that the pleadings sought to be introduced are not at all necessary for the purposes of determining the real question in controversy between the parties. An objection has already been raised by the petitioner in the written statement as regards shop in dispute having been sold to the father of the petitioner. The subsequent filing of a suit for specific performance of an agreement to sell, in the considered opinion of this Court, would not be a relevant fact at least at this stage. Further, it would be open for the petitioner to lead evidence to prove his pleadings at the relevant stage. The impugned order, therefore, does not suffer from any illegality or jurisdictional error warranting interference in revisional jurisdiction.

11. In view of the facts and circumstances of the case, I do not find any merit in the present revision petition and the same is accordingly dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

January 20, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No