



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

(i) CR-2492-2023 (O&M)

Sarabjit Singh

...Petitioner

VERSUS

Avtar Singh and another

...Respondents

(ii) CR-2498-2023 (O&M)

Jaspal Singh

...Petitioner

VERSUS

Avtar Singh and another

...Respondents

(iii) CR-2500-2023 (O&M)

Sukhpreet Singh

...Petitioner

VERSUS

Avtar Singh and another

...Respondents

Date of Decision: February 20, 2025

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Anupam Bhardwaj, Advocate
for the petitioners.

Mr.V.K.Sandhir, Advocate
for the respondents.

**ARCHANA PURI, J.**

These are three revision petitions filed by the petitioners/tenants, to assail the order dated 22.03.2023 passed by learned Rent Controller, vis-a-vis, eviction petitions of three shops, owned by the respondents-landlords.

The facts germane, to be noticed, are as follows:-

That, three separate petitions under Section 13 of the East Punjab Urban Rent Restrictions Act, were filed by the respondents-landlords, thereby, seeking ejectment of the present petitioners, from three different shops, existing in plot No.53-54, measuring 162.5 sq. yards. Four shops were existing in the said plot, whereas, ejectment was sought of three shops.

The ground pleaded for seeking ejectment was personal necessity of three shops, situated in the same building for the bonafide use of Avtar Singh, in order to expand his business of goldsmith and open a new showroom. In the said petitions, it was asserted by the respondents-landlords that Avtar Singh needs property in question for his bonafide use, as Avtar Singh is running business of goldsmith, under the name and style of M/s Nawab Jewellers, in shop No.1, forming the part of plot No.53-54, Abadi Partap Nagar, B/s Purani Chungi, Amritsar.

After framing of the issues, when part statement of one witness was recorded, an application under Order 6 Rule 17 CPC for seeking amendment of the petitions, was filed in all the cases, at the instance of the landlords. Through the proposed amendment, the landlords intended to amend about Avtar Singh s/o Inderjit Singh, to be running business of goldsmith under the name and style of M/s Nawab Jewellers, in shop No.1, forming part of

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plot No.53-54. Though, the proposed amendment was only with regard to the running of business in shop No.1.

After hearing learned counsel for the parties, vide respective impugned orders, the amendment was allowed.

Feeling aggrieved, the petitioners-tenants have filed the present revision petitions.

Learned counsel for the parties heard.

At the very outset, learned counsel for the petitioners-tenants submits that the amendment, ought not to have been allowed, as the evidence had begun and it has changed the nature of the suit, which is not an import of Order 6 Rule 17 CPC and further, it is not permissible as per law.

Before proceeding further, it is essential to make reference to the decision rendered by the Hon'ble Supreme Court in ***Life Insurance Corporation of India vs. Sanjeev Builders Private Limited and another, 2023(1) RCR (Civil) 851***, wherein, the law relating to the amendment of pleadings was summed up in eleven points and specifically, few of the relevant points, for allowing the amendment, are as follows:-

“if the amendment is required for effective and proper adjudication of the controversy between the parties; where the amendment would enable the court to pin-pointedly consider the dispute and would aid in rendering a more satisfactory decision, the prayer for amendment should be allowed; Amendment may be justifiably allowed, where it is intended to rectify the absence of material particulars in the plaint;”

The amendment can be allowed, at any stage, but for the good grounds, spelt out for the same. In these circumstances, it is significant to

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note that the amendment sought, is with regard to not running of the business of goldsmith, under the name and style of M/s Nawab Jewellers in shop No.1, forming part of plot No.53-54, even though, at first instance, in the petition, it was mentioned about the said business to be running in shop No.1.

It is not disputed between the parties that there exists four shops in plot No.53-54 and three shops are in possession of the petitioners-tenants. In the given circumstances, the contest of the petitioners is with regard to three shops, in their possession. However, the proposed amendment relates to asserting alleged to have been wrongfully made, vis-a-vis shop No.1, though there is no dispute about the running of the business, under the name and style of M/s Nawab Jewellers by the respondents-landlords, but however, now they want to only assert that this business is not run in shop No.1.

The proposed amendment is more of clarificatory nature and in the given circumstances, it does not change the nature of the suit, more particularly, when the respondents-landlords had already stated in the petitions that Avtar Singh requires three shops, as he want to convert all the shops into a showroom.

Thus, considering the proposed amendment to be more of clarificatory nature, which shall enable the Court below to further pinpointedly consider the dispute and would also aid in rendering a more satisfactory decision, it cannot, in any manner, be said that it will change the nature of the suit property. No malafide, as such, can be spelt out, on the part of the respondents-landlords, while moving applications for amendment



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and therefore, learned trial Court, has correctly allowed the applications for amendment.

Hence, all the three revision petitions sans merit and the same are hereby dismissed.

February 20, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No