



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CR-2390-2025

Date of Decision.:25.04.2025

Bihari Lal

.....Petitioner

Vs.

Gian Chand

.....Respondent

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

Present:- Mr. Amit Dhawan, Advocate  
for the petitioner.

Mr. Ramesh Sharma, Advocate for  
the respondent- caveator.

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**DEEPAK GUPTA, J. (ORAL)**

By way of this revision petition, petitioner assails order dated 13.12.2024 (*Annexure P-7*), whereby learned Rent Controller, Nakodar has allowed an application under Order VI Rule 17 CPC for amendment of the petition filed by the landlord.

2. Petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 was filed by Gian Chand (*respondent herein*) seeking ejection of the tenant Bihari Lal (*petitioner herein*) from the demised shop. In fact, the petitioner as well as tenant were earlier the tenants under one Lachman Dass. Lachman Dass and Nasib Chand, two brothers were stated to be the owners of 08 shops forming part and parcel of same property. Four shops fall on Nurmahal Road and remaining four on the Shankar bye-pass road along with the rear portion. It was claimed by the landlord that four shops falling on Nurmahal Road were under the occupation of Lachman Dass, whereas four shops falling on Shankar bye-pass road were under the occupation of his brother Nasib Chand. In one shop each, petitioner Gian Chand and respondent Bihari Lal were tenants. After the death of Lachman Dass, partition/exchange took place between LRs of Lachman Dass and Nasib Chand. Nasib Chand became owner of the



four shops, which were earlier under the occupation of Lachman Dass. From Nasib Chand, petitioner Gian Chand purchased the four shops including the shop under his tenancy and also the demised shop under the tenancy of Bihari Lal. This way, Gian Chand claimed to be landlord of the shop in dispute and had sought ejectment on various grounds.

3. The case was at the stage of addressing arguments on the assessment of rent, when application was moved under Order VI Rule 17 CPC to elaborate about the ownership of the property. Said application has been allowed.

4. Assailing the impugned order, it is contended by learned counsel that the amendment sought by the landlord is contrary to the pleas taken in a civil suit and therefore, the amendment should not have been allowed.

5. This Court does not find merit in the contention. As has been noticed by the learned Rent Controller in the impugned order that trial has not commenced till date, as even issues have not been framed. The amendment sought by the landlord is only elaboration of certain facts. Order VI Rule 17 CPC empowers the Court to allow either of the party to amend the pleadings at any stage. The amendment is to be allowed liberally. The tenant i.e. petitioner herein will get the opportunity to controvert the pleas to be taken in the amended petition by the landlord, by filing amended reply.

6. In the aforesaid facts and circumstances, this Court does not find any illegality or perversity in the order passed by the Rent Controller.

No merits. Dismissed.

**(DEEPAK GUPTA)**  
**JUDGE**

**April 25, 2025**

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No