



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-4969-2026 (O&M)

Date of decision: 03.07.2026

Rachpal Singh @ Rashpal Singh and another

. . . . Petitioners

Vs.

Manmoham Singh and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr.Gagandeep Singh Sirphiki, Advocates,
for the petitioners.

DEEPAK GUPTA, J.

The tenants have invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India challenging the order dated 18.05.2026 (Annexure P-7) passed by the learned Rent Controller, Amritsar, whereby their application under Order VI Rule 17 read with Section 151 CPC for amendment of the written statement has been dismissed.

2. Learned counsel for the petitioners submits that during the pendency of the ejectment petition, one of the landlords namely Davinder Singh Bhatia expired. Consequently, the petitioners sought amendment of the written statement to plead that since the deceased himself was not the owner of the demised premises, his legal representatives were also not competent to continue the ejectment proceedings. It is argued that the proposed amendment is founded upon a subsequent event and is necessary for complete and effective adjudication of the controversy.

3. I have heard learned counsel for the petitioners and have gone through the paper-book.

4. The impugned order does not warrant interference.

5. It is an admitted position that the ejectment petition was instituted in the year 2019, issues were framed on 13.03.2023 and the evidence of the

landlords had already commenced. The present application for amendment of the written statement was thus filed after commencement of trial. Consequently, the proviso appended to Order VI Rule 17 CPC squarely governs the controversy. The said proviso mandates that no amendment after commencement of trial shall ordinarily be permitted unless the Court arrives at a conclusion that despite exercise of due diligence, the party could not have raised the matter before commencement of trial.

6. The Hon'ble Supreme Court in **Vidyabai and others v. Padmalatha and another, (2009) 2 SCC 409**, has held that after the commencement of trial, the proviso to Order VI Rule 17 CPC is mandatory in nature and the burden lies upon the applicant to establish due diligence. Similar view has been reiterated in **J. Samuel and others v. Gattu Mahesh and others, (2012) 2 SCC 300**, wherein it has been held that the object of the proviso is to prevent belated amendments intended to delay the proceedings and that the requirement of due diligence cannot be diluted.

7. In the present case, the application is conspicuously silent as to what prevented the petitioners from raising the proposed plea earlier. Mere death of one of the co-petitioners during pendency of the proceedings does not satisfy the statutory requirement of due diligence. The subsequent event relied upon by the petitioners does not create any fresh right to challenge the very title of the landlords, particularly when such relationship already stood admitted in the written statement. Thus, the essential jurisdictional requirement contained in the proviso to Order VI Rule 17 CPC remains wholly unfulfilled.

8. There is another significant aspect of the matter. A perusal of the original written statement unmistakably shows that the petitioners had admitted the relationship of landlord and tenant and had not disputed the creation of tenancy. By way of the proposed amendment, they now seek to plead that deceased petitioner No.3 had no ownership in the demised premises and consequently his legal representatives cannot continue the ejectment proceedings. Such a plea is directly inconsistent with the earlier admission.

9. It is well settled that though amendment of a written statement is generally viewed more liberally than amendment of a plaint, a party cannot be permitted to withdraw a clear admission if such withdrawal would completely displace the case of the opposite party. In **Heeralal v. Kalyan Mal and others, (1998) 1 SCC 278**, the Supreme Court held that an amendment withdrawing an admission which confers a valuable right upon the opposite party should ordinarily not be permitted. Similar principle was reiterated in **Usha Balashaheb Swami and others v. Kiran Appaso Swami and others, (2007) 5 SCC 602**, wherein it was observed that while inconsistent pleas may be permissible in a written statement, an amendment cannot be allowed, if it amounts to withdrawal of an unequivocal admission resulting in serious prejudice to the opposite party.

10. Even otherwise, the defence sought to be introduced is legally untenable. Once the relationship of landlord and tenant has been admitted, the tenant is estopped from disputing the title of the landlord during continuance of the tenancy by virtue of Section 116 of the Indian Evidence Act, 1872. The doctrine is founded upon public policy that a tenant who entered possession under the landlord cannot subsequently question the landlord's title so long as he continues in possession under that tenancy.

11. Reference may be made to the judgment of the Constitution Bench in **Sri Ram Pasricha v. Jagannath and others, (1976) 4 SCC 184**, wherein it was held that in an eviction proceeding, it is sufficient if the landlord possesses a better title than the tenant *and the tenant cannot ordinarily question such title. Similar view was reiterated in Dhannalal v. Kalawatibai and others, (2002) 6 SCC 16*, holding that a tenant is estopped from disputing the landlord's title and cannot resist eviction proceedings on that ground.

12. The proposed amendment, therefore, neither facilitates adjudication of the real controversy nor merely elaborates an existing defence. Rather, it seeks to introduce an altogether new and mutually destructive plea by withdrawing the earlier admission regarding the jural relationship between the parties. The principles governing amendment of pleadings have been

comprehensively summarised by the Supreme Court in **Revajeetu Builders and Developers v. Narayanaswamy & Sons and others, (2009) 10 SCC 84**, wherein it was held that amendments which are mala fide, cause prejudice to the opposite party, fundamentally alter the nature of the case or are unnecessary for determining the real controversy deserve to be rejected.

13. The learned Rent Controller has also noticed that the ejectment proceedings have remained pending since 2019 and that after commencement of evidence, the tenants have repeatedly resorted to interlocutory applications, including an application under Order XIV Rule 5 CPC and successive proceedings before this Court. The present application was, therefore, rightly viewed as another attempt to protract the adjudication. Such finding is based upon the record and cannot be said to suffer from perversity.

14. It is equally well settled that supervisory jurisdiction under Article 227 of the Constitution is exercised sparingly to keep subordinate Courts within the bounds of their jurisdiction and not to correct every error of law or fact. Unless the impugned order is shown to be patently perverse, without jurisdiction or in manifest violation of settled legal principles, interference is unwarranted. In **Shalini Shyam Shetty and another v. Rajendra Shankar Patil, (2010) 8 SCC 329**, and **Radhey Shyam and another v. Chhabi Nath and others, (2015) 5 SCC 423**, the Supreme Court authoritatively explained that Article 227 does not confer appellate jurisdiction upon the High Court.

15. The impugned order is based upon correct appreciation of the statutory provisions as well as the law laid down by the Supreme Court and, therefore, does not call for interference. Consequently, present petition is hereby dismissed.

Pending application, if any, also stands disposed of.

(DEEPAK GUPTA)
JUDGE

03.07.2026
Vivek

Whether Speaking/reasoned	Yes
Whether reportable	No