

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

CR No.6369 of 2015

Date of Decision: October 06, 2015

Parminder Singh

.... Petitioner

vs.

Rinnypal Cheema @ Rinny Cheema

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vishal Gupta, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Challenged in the present revision petition is the order dated 10.09.2015 (Annexure P-7) passed by learned Rent Controller, Chandigarh, whereby the application of the respondent-petitioner to amend the affidavit already tendered in the evidence, was dismissed.

Learned counsel for the petitioner contends that vide order dated 02.09.2015 passed by this Court in Civil Revision No.4347 of 2015, liberty was given to the petitioner to make all the averments sought to be made in the written statement by amending it at the time of arguments.

I have gone through the order passed by this Court on 02.09.2015. The said order shows that a prayer to amend the written statement was declined by this Court holding that amendment sought in the written statement is unnecessary and will only delay the disposal of the case. Therefore, the permission to amend the written statement at the time of arguments run contrary to the observations

made in the earlier part of the order. The concluding part is reproduced as under:

“However, the petitioner is at liberty to make all the averments sought to be made in the written statement by amending it at the time of arguments, which can be countered by the opposite party.”

It appears that this Court had, in fact, allowed the petitioner to raise the plea sought to be made by way of amendment in the written statement, at the time of final arguments. The order is being misinterpreted. What this Court has allowed to the petitioner is to make all the averments at the time of arguments, which were sought to be made by amending the written statement. No permission was ever granted to amend the affidavit already tendered in the evidence. The effect will be that the present petitioner will be at liberty to address arguments on the point, which were sought to be raised by way of amendment in the written statement as this Court had already held that the amendment of the written statement is unnecessary.

Therefore, the order dated 02.09.2015 stands clarified accordingly. Consequently, the impugned order passed by learned Rent Controller on 10.09.2015 is perfectly in accordance with letter and spirit of the order passed by this Court.

Hence, the present revision petition stands dismissed.

October 06, 2015
sarita

(KULDIP SINGH)
JUDGE