

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

CIVIL REVISION NO.4077 OF 2015

DATE OF DECISION: FEBRUARY 16, 2016

Subhash Jatwani

.....Petitioner

VERSUS

Santosh Kumar Banga

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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

Mr. Arihant Jain &
Mr. Rishav Jain, Advocates,
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this petition is to the order dated 25.05.2015 passed by the Additional Civil Judge (Senior Division), Hodal, District Palwal, whereby an application for amendment of written statement filed by the petitioner has been dismissed.

It is the contention of learned counsel for the petitioner that amendment, as has been sought, is merely explanatory in nature and does not alter the stand which has already been taken in the written statement earlier filed. He contends that the application was filed without any delay after the framing of issues and there was no intention on the part of the petitioner to delay the proceedings before the Rent Controller. He further

contends that since the case is now fixed for rebuttal evidence, if any, and for arguments on 17.02.2016, therefore, even if the present petition is allowed, the petitioner would not lead any further evidence. He, thus, contends that the present petition may be allowed to this extent.

Counsel for the respondent, on the other hand, states that if the petitioner had to amend the pleadings, he should have done so immediately after the fact had come to his notice. He further contends that in fact what has been added is not required at all as the basic facts have already been pleaded. His further contention is that intention of the petitioner was to delay the proceedings before the Rent Controller so that he could hold on to the property, which he is occupying as a tenant. His assertion is that now the case is fixed for arguments and, therefore, at this belated stage, the present petition may not be allowed.

I have considered the submissions made by learned counsel for the parties but find that the amendments, which have been sought to be made, are merely explanatory in nature and, therefore, would not affect the rights of the parties, especially when the counsel for the petitioner has specifically stated that he would not lead any further evidence except for the one which he has already led before the Rent Controller.

In view of the above, the present petition is allowed. The impugned order dated 25.05.2015 passed by the Rent Controller, Hodal, is hereby set-aside. The application for amendment of the written statement is allowed and it is directed that amended written statement be taken on record.

February 16, 2016
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE