

CR No. 3313 of 2017 (O&M)

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No. 3313 of 2017 (O&M)
Date of decision: 10.5.2017**

Raminder Kaur

...Petitioner

Versus

Amrik Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Jasinder Singh Thind, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition filed under Article 227 of the Constitution of India, is directed against the order dated 20.4.2017 passed by the learned Rent Controller, whereby plaintiff was permitted to file his amended/fresh affidavit in terms of the amended written statement filed by the petitioner-defendant.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order would show that petitioner-defendant sought amendment in her written statement, which was allowed by the learned Rent Controller, vide order dated 6.2.2107. Immediately thereafter, plaintiff-respondent moved an application seeking permission of the court for filing fresh affidavit in terms of the

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amended written statement of the defendant-petitioner. It was this application which was allowed by the learned Rent Controller by passing the impugned order.

It does not appeal to reason as to how the petitioner-defendant could have opposed the genuine prayer made by the plaintiff-respondent to file his fresh affidavit in terms of the amended written statement. In fact, it was a natural consequence of the amendment in the written statement that other side would be permitted to file his amended pleadings or affidavit, as the case may be. However, neither the stand taken on behalf of the petitioner-defendant was factually correct, nor it is justified in law. Having said that, this Court feels no hesitation to conclude that the learned Rent Controller was well within his jurisdiction to pass the impugned order and the same deserves to be upheld.

It goes without saying that every court must make an endeavour to grant reasonable opportunity to both the parties to the litigation to put up their respective best cases before the court. Once the petitioner sought amendment in her pleadings, i.e. written statement, and the same was allowed by the learned Rent Controller, plaintiff-respondent would become immediately entitled in law to file his fresh affidavit in accordance with amended written statement. Under this undisputed fact situation, the learned Rent Controller committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case

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noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

10.5.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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