

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

Sr. No.242

C.R. No.4522 of 2017 (O&M)

Date of decision: 06.12.2017

Mehra Shawls and another

....Petitioners

versus

Vijay Kumar Rehlan and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Amit Jain, Advocate
for the petitioners.

Mr. Vikas Bahl, Senior Advocate with
Mr. Nitish Garg, Advocate and
Ms. Manzra Dutta, Advocate
for the respondents.

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DEEPAK SIBAL, J. (Oral)

The petitioners-tenants have preferred the present petition to challenge therein order dated 09.05.2017 passed by the Appellate Authority, Amritsar, through which their application filed under Order 6 Rule 17 of the Code of Civil Procedure, 1908, seeking amendment of the written statement at the appellate stage has been rejected.

The impugned order is found to be bereft of any discussion on the pleaded facts. Reasons are also not found in the same as to why the application filed by the petitioners seeking amendment in the written statement has been found by the Appellate Authority to be mala fide, worthless and dishonest.

Reasons are the soul of a judicial order. Every judicial order should be backed by sound reasons as they ensure that the decision is not a result of whim or fancy and that the same is just. In fact, it is the duty of the

Court to back its decision by reasons. A reasoned order would also serve the principle of justice that justice should not only be done but also seem to have been done. Also that in the absence of reasons, it would be extremely difficult for a superior Court to ascertain the correctness of the order appealed or petitioned against.

As noticed earlier, the impugned order lacks reasons and on this ground alone, after setting aside the same, the matter is remitted to the Appellate Authority, Amritsar, for a fresh decision in accordance with law on the petitioners' amendment application.

It is not disputed that the eviction petition had been filed by the respondents way back in the year 2001 and the appeal was preferred by the petitioners in the year 2012. That being so, the Appellate Authority is requested to take a final decision on the petitioners' amendment application within two weeks from the date of receipt of a certified copy of this order.

It is clarified that no opinion on the merits of the matter either way has been expressed by this Court.

The revision petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

December 06, 2017

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No