

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CR No.5787 of 2016(O&M)

Date of Decision:-09.08.2017

Baljit Singh.

.....Petitioner.

Versus

Natha Singh & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Satinder Khanna, Advocate for the Petitioner.

Mr. Vikram Anand, Advocate for the respondents.

JASWANT SINGH, J. (ORAL)

Petitioner (landlord) is in revision aggrieved against the order dated 13.05.2016 (P-3) passed by the Rent Controller, Kapurthala whereby his application for amendment of eviction petition filed under Section 13-B of The East Punjab Urban Rent Restriction Act, 1949 has been dismissed.

Learned Counsel for the petitioner has argued that at the time of drafting the eviction application, certain mistakes in the pleadings crept into, whereby instead of mentioning that brother of the father of the petitioner (landlord), namely, Udham Singh is the owner, it was wrongly mentioned that father of petitioner is the owner. Apart from that, certain few facts as noticed in the impugned order as well as mentioned in the application (Annexure P-1) were not mentioned inadvertently, however, the learned Rent Controller, without appreciating the fact that these are only

factual corrections, has wrongly dismissed the application on technical grounds.

On the other hand learned Counsel for the respondents has argued that the amendments which the petitioner (landlord) intends to make in his eviction application were taken as grounds for leave to defend and once the respondent has disclosed his grounds of defence, the petitioner cannot be permitted to rectify the same and thereby snatch the valuable rights which have accrued to him.

After hearing learned Counsel for the parties and perusing paper book, this Court is of the considered view that the present petition deserves to be allowed.

Perusal of the paper book reveals that the petitioner just wants to correct the factum of previous ownership of the shop in dispute which has been wrongly mentioned to be owned by father of the petitioner instead of Udham Singh, brother of father of the petitioner. The petitioner further wants to add the fact that in the municipal committee record as well, his name has been corrected. In the opinion of this Court, the said amendment is more due to bonafide mistake than being caused as a result of any malafides. The observation of the Rent Controller that such an amendment would snatch valuable rights of respondent, to the mind of this Court, is incorrect and liable to be set aside, for the simple reason that procedural law is handmaid of justice and is subservant to principles of natural justice. The amendment sought is factual in nature and, therefore, there is no bar for permitting such an amendment especially when it would assist the court in deciding the controversy involved in more effective manner.

In view of the above, the present petition is allowed and

impugned order dated 13.05.2016 (P-3) is set aside and consequently the amendment, as sought by the petitioner (landlord) in his application (Annexure P-1) is allowed.

(JASWANT SINGH)
JUDGE

August 09, 2017
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No