

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 05.09.2017****CR No.5905 of 2017 (O&M)**

Deepak Kumar

...Petitioner

Vs.

Savita Kalra (deceased) through LRs

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Akhilesh Vyas, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

This petition arises out of an order of the Rent Controller dismissing tenant's application under Order 6 Rule 17, CPC for permission to amend his written statement. Mainstay of the application is subsequent events that landlord during pendency of proceedings has got vacated another shop belonging to him and, therefore, he has another shop available in the adjoining/nearby to satisfy his personal need.

The landlord has not admitted to vacation of his other nearby shop by their tenant in those premises, namely, Sagar. The facts asserted as material as contained in Paragraphs 3 to 5 of the application seeking amendment of the written statement read as follows:

- “3. That during the pendency of the present proceedings, a subsequent event took place which has necessitated the present amendment in the written statement filed by the respondent/tenant.
4. That the applicants had sold out and let out one of the shops in possession of the applications, which is admitted by the applicant earlier in the proceedings which has been recently got vacated by the applicants

now in the last few days and is very important event to be mentioned by the respondent/tenant which is grossly going to effect the present proceedings.

5. That the fact regarding the letting of one of the shop to a tenant namely Sagar has been admitted by the Attorney of applicant Savita Kalra.”

After going through the contents of the application, I wonder, who are the applicants in Para.3, as reproduced above. If Sagar had left premises on his own volition or vacated the shop by orders, no date is mentioned. When there is no precision in the pleadings in the application for amendment upon which evidence can be based and let in and if the application is as vague, confused as presented and non-consequential in nature, then the impugned order passed by the Rent Controller, Amritsar holding that subsequent event set up is apart from suffering factual uncertainties would not be one such which would eclipse the entire case against the landlord and secure relief to the petitioning tenant. The application is an attempt only to prolong the proceedings.

Thus, I have no reason to interfere in the order passed by the Rent Controller especially when the application was moved at the rebuttal stage and the case matured for final arguments.

Accordingly, the petition is dismissed.

05.09.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>