

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.6476 of 2017 (O&M)

Date of Decision: 25.09.2017

M/s Mela Ram Kundan Lal

... Petitioner

Versus

Anil Kumar Chaudhary
and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anil Chawla, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. Less all extra baggage of facts which are not deemed necessary for a decision in this petition and in its conclusion, I am inclined to think, that once the tenant has led his evidence and closed it by succumbing to an order without bringing to the notice of the Rent Controller any other thing in his defence, say by way of presenting an application under Order 6 Rule 17 CPC at the appropriate stage of the proceedings when the statement of witnesses produced by the landlord had been recorded and before starting his own evidence, quarrelling that certain facts or admissions had surfaced during the cross-examination of landlords witnesses and which could possibly be treated as subsequent events, then he appears to have lost his right by delay and laches.

2. Therefore, the amendment prayed for in the written statement is

no longer open to be pressed or agitated when especially after the petitioning tenant concluded his evidence and shut it by accepting the order, and not questioning it at the relevant time with the case matured for final hearing interference is unwarranted and thus the application has been rightly dismissed by the Rent Controller. Nevertheless, liberty to amend the written statement, if any is deserved, stands given up and waived before the stage of commencement of proceedings leading to admittance of defence evidence on record. It is now far too late in the day to allow the request only to protract the case. The case built in this petition is an afterthought attempting to fill in lacunae in the evidence.

3. The argument of Mr. Chawla stressing that the application deserves to be allowed on his client's undertaking, which he is prepared to furnish, that additional evidence will not be let in or allowed to be recorded and only newly pleaded facts be permitted to be introduced in the case is not a contention which impresses me. The petitioner thinks for his own good alone as any tenant might to protect tenancy but not of the landlord who would be compelled to reopen his evidence because the averments introduced, in such manner, would automatically become part of the pleadings.

4. The petitioner, to my mind, seeks surreptitiously to change the course of the trial to his unfair advantage by the interlocutory application and prolong the proceedings indefinitely when only arguments are left to be heard and thereafter final orders to be pronounced by the Rent Controller. I would have none of this easily and fall prey to the trap which the petitioner expects the Court to fall into.

5. For these reasons, I find no legal infirmity or illegality in the impugned order of the learned Rent Controller in dismissing the application at the stage brought.

6. As a result, the petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

25.09.2017
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Whether speaking/reasoned Yes

Whether reportable No