

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

250

CR No.8070 of 2015
Decided on : 27.02.2017

Anil Kumar

... Petitioner

Versus

Rajinder Kumar

.. Respondent

CORAM : HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present : Mr.Sudhir Paruthi, Advocate
for the petitioner.

Mr.Prateek Pandit, Advocate
for the respondent.

G.S.Sandhawalia, J. (Oral)

The present revision petition filed by the tenant, is directed against the order dated 24.09.2015 (Anneuxre P/4) passed by the Rent Controller, Jalandhar. Vide the said order, the application for amendment under Order 6 Rule 17 CPC, of the written statement, has been declined. The amendment which was sought was that the landlord is having two shops; one shop is situated at Mohalla No.14, Shop No.28, Sadar Bazar, Jalandhar Cantt. and another shop No.92, Mohalla No.26, Phagwara Road, Jalandhar Cantt. First shop was stated to be lying closed whereas, the second shop was stated to be being used by the landlord under the name and style of Verma Jewellers.

The reasoning which was given by the Rent Controller, was that in the written statement also, the tenant had mentioned that the landlord was in occupation of other shops in the areas of Jalandhar Cantt. but he had failed to incorporate the above said fact. The issue of due

diligence was thus raked up by the Rent Controller in its reasoning for dismissing the application. The application, as noticed, had come up after the landlord had completed his evidence and the evidence of the tenant was going on. The Rent Controller, had itself, noticed that the objection was taken up as such regarding the landlord owning different shops in the area of Jalandhar Cantt. By virtue of amendment, the tenant only seeks to incorporate the details as such. Rather, it would help the Rent Controller to decide the issue, and adjudicate the real controversy, in question. A liberal view of amendment is to be taken and it would be difficult for the tenant to plead the details as such, and on subsequent occasion, having come to know the details of the shops, he has now sought to incorporate the same in the written statement. No harm would be caused to the landlord in such a case.

In such circumstances, this Court is of the opinion that the impugned order passed by the Rent Controller was not justified declining the amendment which can be done at any stage. No prejudice is thus being caused to the landlord, neither any material, change in the stance in the defence taken by the tenant is to occur.

In such circumstances, the said order is set aside and amendment as prayed for, is allowed.

[G.S.Sandhawalia]
Judge

27.02.2017
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No