

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

**CR- 7095-2019 (O&M)
Date of Decision: 08.11.2019**

Tarsem Singh

.....Petitioner

VERSUS

Baksho and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Arnav Sood, Advocate
for the petitioner.

JAISHREE THAKUR, J.(Oral)

The petitioner herein seeks to challenge by way of filing civil revision petition on the Article 227 of the Constitution of India, the order dated 01.08.2019 whereby an application under Order 6 Rule 17 CPC seeking amendment of the petition has been allowed.

In brief the facts are that the respondent-landlord filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act seeking ejectment of the petitioner herein from the shop situated at Hoshiarpur Road, Kaki Pind, Dakoha, Rama Mandi, Jalandhar. In paragraph 3 of the ejectment petition, it was stated that Lehmbhar Singh had inducted Swaran Singh, father of the petitioner herein as tenant in the shop in question on a monthly rent of ₹1000/-. Subsequent to the said petition, a written statement had been filed denying the relationship of tenant and landlord between the petitioner and the respondents. Thereafter an application under Order 6 Rule 17 was filed by the land-lady seeking to

amend the petition by replacing Para 3 in which she sought to rely upon a rent agreement dated 30.12.1981 which had been entered into between Swaran Singh father of the petitioner and the grand-father of the husband of the land-lady. The amendment was opposed by the petitioner herein which was subsequently allowed by the impugned order.

Learned counsel for the petitioner tenant herein would contend that the document as sought to be relied upon has been filed at a belated stage and that the amendment would change the very nature of the petition filed by the respondent. It is alleged that the amendment would set up a new case whereby in the original application the case of the respondent-landlady was that the shop in question had been given on rent by her husband Lehmbhar Singh to the father of the petitioner namely Swaran Singh but now she has sought to rely upon a rent agreement purportedly issued in the year 1981. It is argued that by allowing an application under Order 6 Rule 17, the Court has failed to appreciate the proviso added to Order 6 Rule 17 CPC, which categorically states that no application for amendment shall be allowed after the trial has commenced.

I have heard learned counsel for the petitioner and find that there is no cause for interference in the instant revision petition. Admittedly an eviction petition has been filed by the respondent land-lady and in the said petition in Para 3 she had stated that the property in dispute had been rented out by Lehmbhar Singh to the father of the petitioner namely Swaran Singh whereas in the amendment, she sought to substitute the said paragraph by way of an amendment and plead “ 3. *That Sh. Swaran Singh, father of respondents was inducted as tenant in the shop in dispute vide rent*

agreement dated 30.12.1981 @ Rs.230/- per month by Ajit Singh, grand father of husband of the petitioner. With the passage of time, the rate of rent was increased from time to time and the present rate of rent of the shop in dispute is Rs.1000/- per month. After the death of Sh. Ajit Singh, his legal heirs was receiving rent and after the death of husband of the petitioner, the petitioner was receiving the rent from the respondents @ Rs. 1000/- per month.”

A reading of the amendment would reflect that the only substitution sought is the introduction of a rent agreement dated 30.12.1981 showing that the property had been leased to the father of the petitioner Sh. Swaran Singh by Ajit Singh-the grandfather of the husband of the petitioner. The amendment as sought does not change the nature of the eviction petition. The respondent-landlady is still seeking eviction from the premises in dispute but the only addition is the introduction of the rent agreement dated 30.12.1981 which would reflect the rate of rent and the name of the person who had actually rented out the property. The Rent Controller rightly came to hold that the nature of the pleadings would not change. Amendment was allowed by holding that delay could be compensated by imposition of costs and on the ground that amendment of pleadings can be sought at any stage of proceedings if the same is required for arriving at a just decision.

In the instant case the landlady seeks to establish a relationship of landlord and tenant between the parties by relying upon the rent agreement dated 30.12.1981. No great prejudice would be caused to the petitioner herein in case the amendment is allowed, however, the

amendment sought would help the Court in coming to a fair conclusion about the relationship between the parties.

Consequently, the above said petition stands dismissed.

08.11. 2019

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned	Yes.
Whether reportable	No.