

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

CR No.6845 of 2019

Date of decision : 17.12.2019

Harbaksh Singh and another

....Petitioners

versus

Parminder Kaur

.... Respondent

CR No.6860 of 2019

Khem Singh and another

....Petitioners

versus

Parminder Kaur

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Kewal Singh, Advocate and
Mr. Harkesh Manuja, Advocate, for the petitioners.

Mr. Rinnypal Cheema, Advocate, for the respondent.

Nirmaljit Kaur, J.

Both the revision petitions shall stand decided by this common award as the common questions of law and facts are involved therein.

The present revision petitions are filed against the impugned order dated 11.9.2019, vide which, the application of the petitioners for amendment of the written statement was dismissed.

While praying for setting aside the said order and with liberty to amend the written statement, it was contended that the same was necessary in view of the settled proposition of law that no objection can be raised beyond the pleadings.

Learned counsel for the respondent while vehemently opposing

the revision petitions submitted that the same was not necessary in view of the fact that the amendment so sought to be made in the written statement was regarding the facts which are already in their knowledge and therefore, any amendment at this stage cannot be allowed. Their failure to exercise due diligence debars them from seeking the amendment.

After hearing learned counsel for the parties and perusing the impugned order, it has emerged as under:-

(a) The specific amendment sought is for including the averment with respect to the availability of four shops in property No.2649, which are on rent with the different tenants but the same has not been pleaded by the respondent-landlord in his plaint. Further, the site plan does not depict the actual and factual position existing on the spot.

(b) As per the written statement, the respondent-landlord has other properties, which have been rented out.

(c) The plaintiff has yet to be cross-examined.

(d) While dismissing the application of the petitioners, the learned Rent Controller has specifically noted that the petitioner-tenants have yet to lead evidence and they will have the opportunity to file counter site plan depicting the actual position.

In view of the above, this Court does not find any necessity for amendment in the written statement. The petitioners having already raised objection qua the availability of the other properties. Any error in not having mentioned that other properties means other shops in the same property i.e. property No.2649 can always be taken care by the petitioners during the cross-examination and also by way of evidence in the form of a

site plan which the petitioners admittedly has yet to place on record as also observed by the Rent Controller. Any amendment at this stage would only delay the matters, which in view of the above, is not necessary.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

17.12.2019

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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No