

CR-7203 of 2019

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

CR-7203 of 2019

Date of decision: 22.11.2019

M/s Sun Trading and another

.....Petitioners

versus

Tarsem Singh Lally

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Abhilaksh Grover, Advocate, for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Through this revision under Article 227 of the Constitution of India, tenants have laid challenge to order dated 29.08.2019 (Annexure P-14), whereby their application under Order 6 Rule 17 read with Section 151 CPC for amendment of written statement, has been dismissed by learned Rent Controller.

Briefly, respondent-landlord filed eviction petition against the petitioners under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 on the ground of *bona fide* necessity. After due notice by the learned Rent Controller, petitioners filed their reply. From the pleadings of the parties, learned Rent Controller framed necessary issues and called the respondent-landlord to lead his evidence. In the meantime, petitioners moved application for amendment of their written statement to add para Nos.8 to 11 in the preliminary objections. By way of amendment it was desired by the petitioners to bring on record the fact that during her lifetime

CR-7203 of 2019

Dharmi, mother of respondent-landlord had filed eviction petition, but she died during its pendency. Her husband was impleaded as her legal heir. Finally, eviction petition of deceased Dharmi was dismissed on technical grounds.

Since, the above fact was specifically pleaded by the respondent in eviction petition and was already on record, therefore, learned Rent Controller rejected the incorporation of said fact by the petitioners in their written statement by way of amendment, which was already brought on record by the respondent-landlord. Petitioners also wanted to plead by way of amendment that respondent in a eviction petition against some other tenant compromised, which was also not permitted.

Learned counsel for the petitioners *inter alia* contends that the application, though was moved belatedly, but amendment was very much necessary for proper adjudication of the case. No new ground was taken by the petitioners, but they only wanted to bring correct position on record. In support of his contentions, learned counsel placed reliance on ***Sushil Kumar Jain v. Manoj Kumar and another***, 2009(3) R.C.R.(Civil) 899 (S.C.) and ***Aadish Aggarwal and another v. Brijeshwar Swaroop and another***, 2018(1) R.C.R.(Civil) 33 (P&H).

Having given thoughtful consideration to the above submissions, this Court finds the instant revision completely devoid of any merit for the reasons to follow.

The amendment sought to the effect that respondent after getting the demised premises vacated from the petitioners would re-let the same, is completely hypothetical and, thus, has no force. Other amendments

CR-7203 of 2019

sought by the petitioners in the written statement are not relevant. Thus, it is apparent that application for amendment was moved by the petitioners only to delay the proceedings against them.

This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioners has not been able to show any such infirmities in the order of both the learned Rent Controller.

Facts and circumstances of the authorities referred to above relied upon by learned counsel for the petitioners are altogether different from the facts of the present case. Therefore, no benefit of the same can be given to the petitioners.

Dismissed.

(Ramendra Jain)
Judge

November 22, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No