

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 14404 of 2018

Date of Decision: 23.01.2019

Rajinder Manipal

.....Petitioner

Vs.

Krishna Kakaria and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rajesh Gupta, Advocate,
for the petitioner.

Mr. Karan Bhardwaj, Advocate, for
Mr. Jasbir Singh, Advocate,
for the respondents.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned Rent Controller, Ludhiana, dated 27.11.2018 (Annexure P-3), by which the application of the petitioner under Order VI Rule 17 CPC, seeking amendment of the written statement has been dismissed.

The amendment sought to be incorporated was to the effect that a suit seeking specific performance of an agreement of sale has been instituted by one Arun Kumar, against respondent no. 2 herein, i.e. Vishal Kakaria, son of the first respondent, both of whom are stated to be joint owners of the property in question.

Having heard learned counsel for the parties, though the learned Rent Controller has correctly stated in the order that merely an agreement of sale having been entered into, would not confer any right of ownership on the plaintiff in the said suit (subject of course to the outcome of that suit), yet, I do not see any reason

why that factual position, which is not denied by the respondents, should not be allowed to be incorporated in the written statement, but with no evidence whatsoever to be led upon such amendment being allowed, the factum of the said civil suit having been instituted, having been admitted by the respondents.

Consequently, this petition is allowed and the impugned order is set aside, with the aforesaid amendment only, allowed to be incorporated in the written statement filed by the petitioner, i.e. the respondent before the Rent Controller, but with no opportunity of leading evidence to be given to him, whatsoever, as no such evidence is required.

Thereafter, the learned trial Court would proceed with the petition before it, expeditiously.

January 23, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes