

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

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**Civil Revision No.2652-2021
Date of decision:09.11.2021**

LAKHWANT SINGH

...Petitioner

Versus

VARINDER KUMAR

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Rakesh Sobti, Advocate,
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner is a tenant under the respondent(landlord). The landlord has sought the eviction of the petitioner (tenant) from a shop under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. When the petition was pending for recording of the evidence, an application filed by the respondent(landlord) for permission to amend the eviction petition has been allowed. The Court has noticed that the proposed amendment would only elucidate upon the facts already put forth by the parties and no new ground has been pleaded.

The learned counsel representing the petitioner (tenant) contends that since the trial has commenced therefore, in accordance with the proviso to Order 6 Rule 17 of the Code of Civil Procedure, 1908, the amendment could not be allowed.

It is not in dispute that the landlord can file a fresh petition after withdrawing the first one. Moreover, the learned Rent Controller has found out, as a matter of fact, that the proposed amendment only clarifies certain

facts. It is not in dispute that the landlord has not recorded his evidence yet.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

November 09, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No