

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

CR-3082-2021 (O&M)

Date of decision: December 02, 2021

Sukhwinder Singh

...Petitioner

Versus

Jit Singh (since deceased) and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Brij Mohan Vinayak, Advocate for the petitioner.

Mr. A.P.S. Sandhu, Advocate for respondent-caveators.

ARUN MONGA, J. (ORAL)

CM-13469-CII-2021

For the reasons stated in the application, the same is allowed, subject to all just exceptions.

Main case (O&M)

Petition herein is for setting aside the impugned order dated 15.11.2021 (Annexure P-1) passed by learned Appellate Authority, Amritsar, whereby an application under Order 6 Rule 17 read with Section 151 CPC for amendment of the written statement filed by the petitioner-tenant, has been dismissed.

2. I have heard learned counsel for the parties and gone through the case file.

3. No interference is called for in the order assailed herein, which is premised, *inter alia*, on the following reasoning:

“7. No doubt law of amendment is very liberal but before allowing the proposed amendment the court has to see whether the amendment sought is genuine and necessary for just and proper adjudication of lis between the parties. Admittedly there are two

petitioners in the ejectment petition who originally filed rent petition on the ground of arrears of rent and their bonafide requirement and also bonafide requirement of Arvinder Singh son of one of the petitioner Jit Singh. Admittedly Jit Singh has died during the pendency of the appeal. Now the argument of learned counsel for the appellant is that on account of death of Jit Singh his bonafide requirement goes as the entire business and property has been inherited by his son Arvinder Singh. It is argued that it is subsequent event which is required to be brought on record. But this argument of learned counsel for the appellant is not tenable. As there are two petitioners namely Jit Singh and Nirmal Singh. Only petitioner No.1 Jit Singh has died during the pendency of appeal and it does not curtail the rights of the other petitioner Nirmal Singh and Arvinder Singh son of Jit Singh for seeking eviction of tenant on the ground of bonafide requirement. Moreover, this fact regarding death of petitioner No.1 Jit Singh can be taken into consideration during the course of arguments in this appeal. No doubt law of amendment is very liberal but here there is no such circumstances which may warrant amendment of written statement. In such, a scenario the citations relied upon by learned counsel for the appellant-applicant are not applicable to the facts of the present case and are distinguishable from facts of the present case. In view of the above mentioned circumstances it seems that the present application has been filed just to delay the proceedings of the case.

8. *In view of the above discussion this court is of the considered view that application for amendment of the written statement filed by the appellant-applicant is devoid of merit and the same is hereby dismissed.”*

4. A perusal of above leaves no manner of doubt that there is no irregularity either in facts or in law, so as to exercise extraordinary revisional jurisdiction vested with this court.

5. There is no room for interference in the aforesaid valid reasons recorded by the first appellate Court, with which I am in agreement.

6. Dismissed.

(ARUN MONGA)
JUDGE

December 02, 2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No