

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

CR-3327-2021(O&M)

Date of decision:-15.12.2021

Ram Milan

...Petitioner

Versus

Suria Narain @ Suraj Narain and anr.

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sahil Soi, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

In the ejectment petition filed by the petitioner-landlord Suria Narain @ Suraj Narain against respondent No.1 – tenant Ram Karan and respondent No.2 – sub-tenant - Ram Milan, on getting notice both the respondents had put in appearance. Respondent No.1 had filed written statement. During the course of proceedings of the said ejectment petition petitioner had filed an application under Order 6 Rule 17 CPC so as to change the date of induction of respondent No.1 as tenant in the demised premises from December, 2016 to December 1998 contending that on account of typographical error and inadvertence a wrong date had been mentioned.

2. That application was opposed by respondent No.1. Vide the impugned order dated 5.10.2021 learned Rent Controller, Chandigarh had

allowed the application. The operative part of the order is being reproduced as under:

As per law the purpose and object of Order 6 Rule 17 CPC is to allow either party to alter or amend his pleadings in such manner and on such terms as may be just. The power to allow the amendment is wide and can be exercised at any stage of the proceedings in the interest of justice on the basis of guidelines laid down by various High Courts. Amendment that have been mentioned in the amendment application by the petitioner has allegedly occurred due to typing mistake by the typist. Even if the same is not to be considered a typographical mistake even then application is to be allowed because case is pending at the stage of filing written statement of respondent no.2 meaning thereby trial has not started yet. On the other hand counsel for respondent No.1 has opposed the application on the ground that amendment sought is not bonafide mistake rather petitioner wants to improve his case by amending the petition which would directly go to the root of the case and would change the nature of rent petition. Present case is a rent petition, same has been filed for ejectment of the respondent from the premises in question and the amendment sought would help in properly adjudicating the matter in controversy and no prejudice will be caused to the other party. Hence, in the interest of justice and considering the fact that amendment sought could not change the nature of case, the present application is allowed.

3. Feeling aggrieved by such order, respondent in the ejectment

petition namely Ram Milan has approached this Court by way of filing the present civil revision petition.

4. I have heard learned counsel for the revisionist besides going through the record and I find that the revision petition is absolutely without any merit.

5. The application had been filed at initial stage when the trial had not yet started. The Rent Controller, Chandigarh has observed that the amendment sought would help in properly adjudicating the matter in controversy and it would not change the nature of the case.

6. In the present case, I do not find any such illegality or infirmity with the impugned order passed by the Court below much less apparent on the face of it. I do not see any reason to upset the impugned order.

7. Thus, finding no merit in the civil revision petition, the same stands dismissed.

15.12.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No