

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

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CR-1374-2020 (O&M)
Date of Decision : 14.12.2022

Rakesh Aggarwal and AnotherPetitioners

VERSUS

Urmil Rani Khosla @ Urmil RaniRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sharad Mehra, Advocate for the petitioners.

Mr. Divanshu Jain, Advocate for the respondent.

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ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 06.02.2020 passed by the Rent Controller whereby the application filed under Order 6 Rule 17 CPC seeking amendment of the written statement has been dismissed.

The brief facts relevant to the present lis are that the respondent-landlady filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for eviction of the petitioners-tenants from the demised premises on the ground of bonafide personal necessity of her sons Naveen Khosla and Sandeep Khosla. The petition was filed on 24.09.2015. Thereafter, the petitioners-tenants filed their reply on

18.02.2016. Issues in the present case were framed on 13.09.2016 and the case was fixed for evidence of the respondent-landlady on 21.10.2016. On 14.03.2018 the petitioners-tenants filed an application for amendment of the written statement and on 13.11.2018 another application was filed for amendment of the written statement. On 02.08.2019 both the said applications were withdrawn. On 13.09.2019 yet another application for amendment of the written statement was filed which was allowed vide order dated 29.10.2019. Thereafter the case was fixed for evidence of the respondent-landlady and on 03.01.2020 yet another application has been filed for amendment of the written statement. The said application was dismissed by a detailed speaking order by the Rent Controller. Aggrieved by the same, the present revision petition has been filed.

Learned counsel for the tenants-petitioners would contend that the said amendment is necessary in view of the fact that by way of earlier application it was sought to be brought on the record the fact that the daughters-in-law of the respondent-landlady had purchased a building bearing No.240, Katra Ghanayia, near telephone Exchange, Amritsar and now by way of the present application the subsequent event that the sons of the respondent-landlady had opened a business at the said shop was sought to be brought on the record.

Per contra, learned counsel for the respondent-landlady has vehemently contended that the said application is nothing but yet another endeavour to delay the proceedings which have been pending since 2015.

Learned counsel for the respondent-landlady would further contend that this is the 4th application for amendment and that by way of earlier amendment,

which was allowed vide order dated 29.10.2019, the petitioners-tenants had brought on record the factum regarding the purchase of the property by the daughters-in-law of the respondent-landlady and that they would be well within their right to lead evidence qua the usage of the same.

Heard.

In the present case the tenants-petitioners appear to be adopting dilatory tactics by filing one application or the other. Earlier two separate applications were filed which were subsequently withdrawn and a third application was filed which came to be allowed vide order dated 29.10.2019. Subsequently, when the case was fixed for evidence of the respondent-landlady, the present application has been filed. A perusal of the present application under Order 6 Rule 17 CPC appended with the revision petition as Annexure P-5 reveals that the same is totally bereft of any reasoning and totally vague averments have been made in the said application that the sons of the respondent-landlady have started some business of dress material. Even at the time of hearing of the said application before the Rent Controller no material was brought on the record to substantiate the said averment. The said averment was specifically denied by the respondent-landlady. The shops qua which the eviction petition has been filed are in the same vicinity and it is not understandable as to why no material could be brought on the record by the tenants-petitioners to show that business was being run by the sons of the respondent-landlady in the newly purchased premises.

In view of the above and in view of the fact that the application is totally bereft of any reasoning, I do not deem it appropriate to interfere in the present revision petition. The same is accordingly dismissed. Pending applications, if any, also stand disposed off.

December 14, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO