

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

CR No.3247 of 2022 (O&M)

Date of decision: 18.08.2022

Om Parkash Arora

..... Petitioner

Versus

Sham Sunder

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

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

TRIBHUVAN DAHIYA J.

This revision petition has been filed by the petitioner-tenant against the order dated 06.07.2022 passed by the Rent Controller, Amritsar, whereby his application for amendment of written statement has been dismissed.

As per the facts of the case recorded in the impugned order passed by the Rent Controller, the petitioner had filed an application on 21.03.2022 under Order 6 Rule 17 CPC for amendment of his written statement, which was dismissed by the Rent Controller on 27.04.2022. Against that order, he had filed CR No.1712 of 2022 before this Court, which was allowed vide order dated 05.05.2022. Based on that, the petitioner had filed his amended written statement on 30.05.2022, and on the same day, he filed another application for amendment of his amended written statement. The same was dismissed by the Rent Controller vide the impugned order dated 06.07.2022.

The Rent Controller has passed a detailed and well reasoned order which records as under :-

“The moment also gathers significance, given past conduct of the respondent for perusal of the record reveals that since the closure of evidence of the petitioner on 27.01.2020 the respondent has not concluded his evidence and the present application is his third application overall in the series of applications preferred by him and second for amendment of his pleadings and that too seeking to incorporate something which, as observed, has either been sufficiently incorporated or forms part of evidence and not pleadings or does not deserve to be incorporated on its independent merits. Every time the respondent has been directed to lead his evidence, miraculously an application has appeared on one ground or the other. The present application too, found its way to the record only when the previously sought amendment has been initially declined and later allowed, along with amended the written statement. As such, this application apparently has been moved with a motive to delay the proceedings and further protract a trial time bound by the Hon'ble High Court vide order dated 05.05.2022 passed in CR No.1712 of 2022.”

The order passed by the Rent Controller, Amritsar, dated 06.07.2022 does not suffer from any error of law or jurisdiction.

Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

18.08.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No