

207 (2nd case)

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

CR-3470-2021

Date of decision:03.02.2022

Harmandip Singh

...Petitioner

V/S

Parkash Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vikram Bali, Advocate,
for the petitioner.

Mr. Nitin Mittoo, Advocate,
for the respondent.

(Presence marked through Video Conference)

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ARUN MONGA, J. (ORAL)

Petition herein under Article 227 of Constitution of India is for setting aside the impugned order dated 09.12.2021 (Annexure P-4) passed by learned Civil Judge (Jr. Division), Phagwara whereby an application under Order 6 Rule 17 CPC moved by landlord-petitioner has been dismissed.

2. Learned counsel for the petitioner contends that case is at the initial stage inasmuch as the respondent-tenant has moved an application for leave to defend, which is still pending. He further submits that amendment in the headnote of the Ejectment Petition is with regard to the dimensions of the property.

3. I have heard learned counsel for the petitioner and perused the case file.

4. Petitioner *inter alia* pleads that inadvertently direction on north side of the site plan was wrongly mentioned as south and direction of the south side of the site plan mentioned as north. On coming to know about the

typographical mistake, requisite amendment was sought.

5. Perusal of proposed amendment would reveal that it does not introduce a new case or change the fundamental character of the case.

6. Rules of procedure are handmaids of justice and cannot be allowed to thwart real and substantial justice between the parties.

7. In the premise, I deem it appropriate to grant one opportunity to allow the petitioner-landlord to amend the ejectment petition as prayed subject to payment of costs of Rs.5,000/- to be deposited with the District Legal Services Authority, Kapurthala. Deposit of costs shall be a condition precedent. If the costs are not paid as directed, the impugned order passed by the Court below shall stand. To that extent, the impugned order is modified and the revision petition is allowed.

(ARUN MONGA)
JUDGE

February 03, 2022
vandana

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