

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

112

CR-5724-2022 (O&M)
Date of decision: 06.12.2022

**SUKHDEV RAJ MAHAJAN @ GANESH KUMAR DECEASED
THROUGH HIS LRS** **..Petitioner (s)**

Versus

M/S GUPTA FURNITURE STORE AND OTHERS **..Respondent(s)**

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. BS Mittal, Advocate for the petitioners.

NIDHI GUPTA, J (Oral)

By way of the present civil revision, the petitioner-tenant has challenged order dated 26.08.2022 (Annexure P5) passed by the Ld. Rent Controller, Batala wherein the application under Order 6 Rule 17 CPC read with Section 151 CPC filed by the petitioner for amendment of the written statement has been dismissed. It is admitted that the petition before the Ld. Rent Controller was filed on 20.09.2013 and written statement was filed by the applicant-petitioner on 09.07.2018 and issues were framed on 11.01.2019. Evidence of the respondent-landlord was closed vide order dated 13.05.2019 and after availing 25 opportunities, the petitioner-tenant closed his oral evidence on 09.03.2020. Then case was fixed for documentary evidence. The petitioner availed 30 more opportunities to conclude evidence on 11.10.2021. It is submitted by learned counsel for the petitioners that this was during the period of covid and therefore, cannot be counted. Learned counsel also refers to judgments of Hon'ble Supreme Court in **Surender Kumar Sharma vs. Makhan Singh, 2009(4) RCR (Civil) 597; and Andhra Bank vs. ABN Amro Bank N.V. and ors., 2007(3) RCR (Civil) 585.**

Heard.

Admittedly, the Petitioner/tenant has also closed his evidence. Therefore, at this belated stage he cannot be permitted to amend his written statement, when the trial is at its fag end.

Even otherwise, perusal of the application filed by the petitioner seeking amendment of written statement, shows that the amendment sought is vague and no details have been provided therein regarding other properties purported to be in the name of respondent. Moreover, petitioners should have exercised due diligence at the relevant time, and now trial is almost completed.

In view of the facts as noted above, I find no ground to interfere in the impugned order and the petition is hereby dismissed.

Dismissed.

(NIDHI GUPTA)
JUDGE

06.12.2022

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No