

<sup>255</sup> IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR-402-2020 (O&M)  
Decided on:-18.07.2023

Dharam Pal Airi (since deceased) through his LRs ....Petitioners..

vs.

Arya Samaj and others ....Respondents.

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Amandeep Vashisth, Advocate,  
for the petitioners.

Mr.Rahul Sharma, Advocate,  
for the respondents.

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**HARKESH MANUJA J. (Oral)**

1. By way of present revision petition filed under Article 227 of the Constitution of India, challenge has been made to an order dated 22.11.2019 passed by the Appellate Authority, Yamuna Nagar at Jagadhri, whereby, an application under Order 6 Rule 17 read with Section 151 CPC, moved at the instance of petitioners-tenants, seeking amendment of the written statement, stands declined.

2. In the present case, the respondents-landlords filed an eviction petition against the petitioner-tenant qua the tenanted premises i.e. Shop Nos.8 and 9 of Arya Samaj, Model Town, Yamuna Nagar at Jagadhari, on the grounds of non-payment of arrears of rent as well as bonafide necessity. The aforementioned eviction petition came to be allowed vide order dated 17.08.2015 passed by the learned Rent Controller, Yamuna Nagar at Jagadhri.

3. Aggrieved thereof, the petitioners-tenants filed first appeal on 15.09.2015 before the Appellate Authority, Yamuna Nagar, Jagadhri and during its pendency, moved an application invoking Order 6 Rule 17 read with Section 151 CPC, seeking amendment of written statement filed by them. Thereafter, the respondents-landlords filed their objections to the aforementioned application. The Appellate Authority vide its order dated 22.11.2019, declined the prayer made on behalf of the petitioners-tenants for amendment of their written statement. It is the aforesaid order, which has been impugned by way of present revision petition.

4. Assailing the aforesaid order, learned counsel for the petitioner-tenant submits that the respondent-landlord being a Society, as contemplated under Section 9 of Haryana Registration and Regulation of Societies Act, 2012 (hereinafter referred to “2012 Act”), respondent No.1/Society was required to get itself registered with the prescribed authority and in the absence thereof, no eviction petition could have been filed/entertained on its behalf.

5. On the other hand, learned counsel for the respondents-landlords supports the order passed by the Appellate Authority while submitting that mere non-registration of the society would not be treated as an impediment for entertaining an eviction petition filed at the instance of respondent No.1-Society as the relationship between the parties has already been admitted as that of tenant-landlord even in the written statement filed by the petitioners-tenants.

6. I have heard learned counsel for the parties and have gone through the paper book and I am unable to find any merit in the submissions

made on behalf of the petitioners-tenants.

7. Once, the relationship of landlord-tenant stands admitted in the written statement filed at the instance of petitioners-tenants, the respondents-landlords cannot be non-suited merely on account of its non-registration as contemplated under Section 9 of the 2012 Act. At the most the non-registration would render it liable for the non-compliance of the provisions of 2012 Act and accordingly making it amenable to the concerned authorities. No other plea has been raised by either of the parties during the hearing of the present petition. Accordingly, finding no illegality or perversity in the order passed by the appellate authority, the present petition is, hereby dismissed.

18.07.2023  
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(HARKESH MANUJA)  
JUDGE

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