

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.123

CR-2930-2023 (O&M)
Date of Decision: 11.05.2023

AMARJIT KAUR

....Petitioner

Versus

GOPAL AND ANOTHER

..... Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. Gurcharan Dass, Advocate,
for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 27.04.2023 passed by learned Rent Controller, whereby an application filed by the petitioner, under Order 6 Rule 17 CPC, thereby seeking amendment of the petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949, had been dismissed.

It is submitted by learned counsel for the petitioner that at first instance, the petitioner had filed a petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949, thereby seeking ejectment of the respondents from the demised premises, as she required the premises for her personal need. Further, it is submitted that during the pendency of the aforesaid petition, an application was filed at the behest of the petitioner, under Order 6 Rule 17 CPC, with regard to addition in paragraph No.4 (b) of the petition, thereby giving detail of the condition of the property and

addition in paragraph No.4 (e), on the similar grounds. Furthermore, in the said application, a prayer was made for addition of '**13 and**' before the word '**13-B**'.

During the course of arguments, it is submitted by learned counsel for the petitioner that he does not press the instant revision petition, *vis-a-vis* addition in paragraph No.4 (e), which relates to the building being unfit and also addition in the title of the petition i.e. addition of '**13 and**' before the word '**13-B**'. Learned counsel for the petitioner submits that he does not press both the aforesaid grounds, setup for seeking amendment and the petitioner only wants to elaborate her ground for personal necessity, while making the amendment, thereby depicting the condition of the building. However, learned counsel submits that he does not press the ground allegedly taken about the building being unfit and unsafe and also with regard to filing of petition not only under Section 13-B, but also under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. Learned counsel also submits that the petitioner shall not be leading any further evidence and the purpose for the amendment sought, is only clarificatory in nature.

Notice of motion.

Mr. Aayush Gupta, Advocate, accepts notice on behalf of respondent No.2 and has filed his Vakalatnama, which is taken on record.

At the very outset, learned counsel for respondent No.2 has submitted that it was only on account of settling his pleadings to counter the admission, which came forth in the cross-examination of the petitioner, that the application in hand, has been filed. Learned counsel has made

reference to the statement of the petitioner got recorded before learned Lower Court, where he has admitted about the demolition of the demised premises. But anyhow, since the additional ground, as setup in the application for amendment has not been pressed by learned counsel for the petitioner, at this stage and also considering the fact that the petitioner now does not want to lead any further evidence, in pursuance of the amendment (if allowed), he has no objection, if the amendment is allowed only qua paragraph No.4 (b) of the petition.

Considering the submissions, so made by learned counsel for the parties and also about the grounds, as stated in Annexure P-6, which have not been pressed now, by learned counsel for the petitioner, the impugned order is hereby set aside and the amendment is allowed, *vis-a-vis* addition of paragraph No.4 (b) only, as given in paragraph No.2 of the application.

It is made clear that no further opportunity shall be given to the petitioner by learned Lower Court, to lead evidence, in pursuance of the amendment, so given.

The instant revision petition stands allowed, in view of the terms indicated aforesaid.

11.05.2023*Himanshu***(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No