

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

125

CR No.1952 of 2024

Date of Decision : 02.04.2024

Faqir Chand

....Petitioner

VERSUS

Pardeep Kumar

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Deepak K. Sharma, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the order dated 20.02.2024 whereby an application filed by the petitioner under Order VI Rule 17 CPC for amendment of para 3(ii) of the written statement has been dismissed.

2. Learned counsel for the petitioner would contend that the petitioner came to know that the adjoining shop had been vacated by the tenant therein and the moment he came to know he filed the application for amendment. Learned counsel for the petitioner would further contend that the amendment goes to the root of the matter and hence the same ought to have been allowed.

3. Heard.

4. In the present case admittedly the evidence of the petitioner stands concluded. As per the application filed under Order VI Rule 17 CPC it has specifically been averred that out of 04 shops, shop No.4 was got

vacated on the ground of bonafide requirement on the basis of an amicable settlement vide order dated 20.04.2017. The argument of learned counsel for the petitioner that the petitioner came to know that the shop was vacated only in the year 2022 cannot be accepted inasmuch as there is not a whisper in the application filed under Order VI Rule 17 CPC regarding the date of knowledge. Rather, it has only been stated that the petitioner wants to amend para 3(ii) and wants to add the portion stating therein that shop No.4 had been got vacated on the ground of bonafide requirement on the basis of an amicable settlement vide order dated 20.04.2017. It has been noticed by the Rent Controller that prior to filing of the application the petitioner had availed 08 opportunities to lead his evidence. Allowing the present application would entail a *de novo* trial. There is no reason forthcoming as to why the order which was passed in the year 2017 was not brought on the record by the petitioner earlier.

5. In view of the above, I do not find any merits in the present revision petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

02.04.2024
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO