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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 25th July, 2024***

+ **CM(M) 3007/2024 & CM APPL. 41629/2024**

DHARAM PARTAP KOHLI

.....Petitioner

Through: Mr. Deepak Sharma with Mr. Manish
and Ms. Seema Singh, Advocates.

versus

SMT. SAROJ JAIN

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner herein is defending an eviction petition filed on the ground of bonafide requirement.
2. The case is at the stage of PE.
3. The tenant (petitioner herein) during course of the proceedings moved an application seeking amendment in the written statement. It was contended that during the pendency of the eviction petition, the husband of the landlady has died and after his death, the business has been closed down and such fact needs to be brought on record by way of placing on record an amended written statement.
4. It is contended by Sh. Sharma, learned counsel for the tenant that when the eviction petition was filed, for all purposes, landlady



was seeking eviction so that her husband gets adequate space for running his business and in view of the aforesaid subsequent development, the need does not seem to exist anymore and, therefore, it has become necessary to bring such fact on record by filing amended written statement.

5. However, there is no real requirement of amending written statement.

6. Such subsequent development can always be taken into account without amending the written statement.

7. Moreover, the landlady is not going to dispute the fact that her husband has died.

8. If at all she seeks eviction on the mere ground that the premises is required so that her husband is in a position to run his business in a better and effective manner, it was rather for her to have sought for the amendment.

9. Moreover, when the landlady enters into witness box, the relevant questions in this regard can always be put to her in the cross-examination and to that extent, there is no requirement of moving the clock backward and permitting the petitioner to file amended written statement.

10. The other challenge in the present petition is with respect to the application which had been moved by the landlady under Section 151 CPC whereby she sought permission to place on record a copy of Sale



Deed dated 28.02.2022 whereby one residential premises has been sold by her. Keeping in mind that it was a subsequent event and could not have been pleaded earlier, the learned Rent Controller had merely permitted her to place on record such document.

11. Ideally, the appropriate application should have been moved under Order VII Rule 14 CPC, but fact remains that the petitioner has herself placed on record an important fact regarding her disposing of her residential premises and since it has been placed on record, *albeit*, by moving an application under Section 151 CPC, no grievance can be permitted to be entertained in this regard.

12. Consequently, finding no merit or substance in the present petition, the same is dismissed in limine.

(MANOJ JAIN)
JUDGE

JULY 25, 2024
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