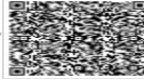
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****132****CR-420-2025 (O&M)****Date of decision: 23.01.2025****Vishal Khullar and another****...Petitioner(s)****Vs.****M/s. Mohan Electric Co. and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Hitesh Sood, Advocate
for the petitioners.

*********NIDHI GUPTA, J.**

The present civil revision petition has been filed by the plaintiffs laying challenge to the order dated 02.01.2025 (Annexure P-1) passed by the learned Rent Controller, Hoshiarpur, whereby the application filed by the defendants/respondents herein under Order 6 Rule 17 CPC for amendment of the written statement, has been allowed.

2. Learned counsel assails the impugned order by submitting that the amendment sought to be made by the respondents in the written statement shall change the nature of the suit filed by the petitioners. As such, as per law, the said amendment could not have been permitted. Moreover, the issues already stand framed in the matter vide order dated 31.01.2024 (Annexure P-5). As such, the trial has commenced. Furthermore, the respondents have showroom opposite to that of the petitioners. The suit property came to the share



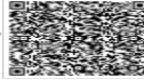
of the petitioners by way of Award taken before the Lok Adalat. However, by way of the impugned amendment, the respondents are seeking to challenge the validity of the Award. As such, the respondents can have no grievance against the petitioners as the Award was passed on the basis of compromise. Accordingly, it is prayed that the impugned order be set aside.

3. No other arguments has been raised on behalf of the petitioner.

4. Heard learned counsel for the petitioner and perused the case file in great detail.

5. Brief facts of the case are that the petitioners/plaintiffs had filed an Eviction Petition dated 29.11.2022 (Annexure P-2) for evicting the respondents from the demised premises on various grounds including arrears of rent; and personal necessity. In the said Eviction Petition, written statement dated 01.11.2023 (Annexure P-3) was filed by the respondents herein; to which a rejoinder dated 07.12.2023 (Annexure P-4) was filed by the petitioners. Subsequently, the respondents filed the present application under Order 6 Rule 17 CPC dated 05.10.2024 (Annexure P-6), to which the petitioners filed reply dated 04.11.2024 (Annexure P-7). It is the grievance of the petitioners that vide the impugned order dated 02.01.2025, the said application seeking amendment of the written statement, has been allowed.

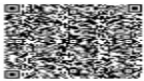
6. It has been contended by the petitioners that the amendment sought by the respondents shall change the nature of the



suit as it has now sought to be pleaded by the respondents by way of amended written statement that the Award of the Lok Adalat has been taken by the petitioners by employing fraud. However, the said argument of the petitioners is misplaced as, a perusal of the written statement dated 01.11.2023 (Annexure P-2) filed by the respondents to the ejectment petition of the petitioners shows that the respondents have already resisted the ejectment petition by taking a plea denying the family settlement/compromise dated 29.11.2019 on the basis of which the Award dated 11.12.2021 was passed by the Lok Adalat. It has been categorically stated by the respondents in the said written statement (Annexure P-3) that *“there was no family settlement between the parties and the same is manufactured and false document prepared with a malafide intention to create a ground for ejectment by mis-using the process of law. The alleged Award of the Lok Adalat was also got by the petitioners with Malafide intention only to create a ground for the ejectment of the respondents.”* It has further been averred by the respondents that there is no relationship of landlord and tenant between the petitioners and the respondents, and the entire property is joint.

7. Learned counsel for the petitioners is unable to deny the above facts.

8. Perusal of the application (Annexure P-6) shows that the only amendment sought by the respondents in the written statement (Annexure P-2) is to the effect that instead of generally stating



that the entire property is joint, it is now sought to be stated that the suit property was in the ownership of the persons named in the amended paragraphs. Clearly therefore, no prejudice shall be caused to the petitioners, if the said amendment is permitted as the same is merely an elaboration of the facts as already stated in the written statement. Further, the case is still at the initial stage. In any event, amendment of such nature can be permitted at any stage.

9. Furthermore, legal position in this regard, is well settled. In support, I refer to the recent judgment of Hon’ble Supreme Court passed in *Dinesh Goyal @ Pappu vs. Suman Agarwal (Bindal) and others 2024 INSC 726*, wherein it has been held that such application for amendment should ordinarily be allowed, if the amendment is for the effective and proper adjudication of the controversy between the parties and does not result in prejudice to either side.

10. As such, I find no error whatsoever in the impugned order dated 02.01.205 (Annexure P-4).

11. The present civil revision petition is accordingly **dismissed**.

12. Pending application(s) if any also stand(s) disposed of.

23.01.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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