



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CR-1758-2020(O&M)
Date of decision : 21.08.2025

Balwinder Kaur

... Petitioner

Versus

Surinder Kumar (since deceased) through his LRs and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Veneet Sharma, Advocate
for the petitioner.

Mr.A.P.S. Sandhu, Advocate
for respondent no.1.

VIKAS BAHL, J.(ORAL)

1. Challenge in the present revision petition is to the order dated 03.02.2020 vide which the amendment application filed by the petitioner-landlord has been dismissed.
2. Learned counsel for the petitioner has submitted that the petitioner only wishes to incorporate the factum with respect to sale of the residential property which had been sold on 18.04.2019 during the pendency of eviction petition and has stated that the said fact is a subsequent fact. It is submitted that although the eviction petition has been filed with respect to a shop and the property which has been sold is a residential building but it is only as a matter of abundant precaution that the



petitioner has filed the amendment application to incorporate the fact of the said sale.

3. Learned counsel for respondent no.1, on the other hand, has submitted that when the landlord had appeared in the witness box, a specific question was put to the said landlord-petitioner in the cross-examination to the effect whether she had sold any property or not to which the landlord-petitioner had stated that she had not sold any property and it is only when the sale deed in question was put to her, that an adjournment was sought and thereafter the application for amendment was filed. It is submitted that if the petitioner is permitted to amend the petition, then, respondent no.1 be given an opportunity to file an amended written statement to show that the amendment has only been sought to overcome the statement made in the cross-examination. It is further prayed that allowing the present amendment should not be construed as an estoppel against respondent no.1 from raising the plea and highlighting the cross-examination of the landlord. It is submitted that adequate costs should also be imposed upon the petitioner.

4. Learned counsel for the petitioner has submitted that in view of the objections raised on behalf of respondent no.1, the petitioner would pay cost of Rs.15,000/- to respondent no.1.

5. Keeping in view the above said facts and circumstances and the fair stand taken by the learned counsel for the petitioner as well as learned counsel for respondent no.1, the present revision petition is partly allowed and the impugned order dated 03.02.2020 is set aside with the following



observations / directions:-

- i) The petitioner would be permitted to file an amended petition, if not already filed and in case the same has already been filed, the same would be taken on record.
- ii) Respondent no.1 would be granted opportunity to file amended written statement to the said amended petition with liberty to raise all pleas including the plea highlighted before this Court.
- iii) It would also be open to the petitioner to raise all pleas in rebuttal to the plea of respondent no.1 highlighting the cross-examination of PW-1.
- iv) The petitioner would deposit an amount of Rs.15,000/- within a period of two weeks from today before the Rent Controller by moving an application in the said regard and the said amount would be released to respondent no.1. It is made clear that in case the petitioner does not deposit the said amount, then, the present petition would be deemed to have been dismissed.
- v) Allowing the present revision petition would not be construed as an estoppel against respondent no.1 from raising all the pleas and highlighting the cross-examination of the petitioner at the time of final arguments.
- vi) This Court has not opined on the merits of the



amendment and thus, it would be open to both the parties to raise all the pleas available to them in support of their respective cases.

(VIKAS BAHL)
JUDGE

August 21, 2025.
Davinder Kumar

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