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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(130)

CR-1364-2025

Date of decision: - 05.03.2025

Mohd. Nazir (since deceased) through his LRs

....Petitioner

Versus

Nasreen and another

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sunny K. Singla, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 10.02.2025 passed by the Rent Controller, Malerkotla.
2. Learned counsel for the petitioner has submitted that the petitioner wishes to amend the written statement filed by the petitioner and wishes to add paragraph 4 A, which is to the following effect: -

“That the petitioner has wrongly alleged that she is owner of shop in dispute measuring 11 x 45 feet. It is worthy to mention that petitioner is not owner of whole shop in dispute. As she has already sold rear portion of shop in dispute to the Anwar After excluding sold portion, the area of shop in dispute remains 11 x 26'7" feet but she with malafide intention included the front potion of Nagar Council Malerkotla as shown in the area of shop in dispute as 11 x 45 which is incorrect. The petitioner has got excess rent of shop in dispute and with malafide intention did not prove any site plan of shop in dispute.



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*So the present petition of the petitioner is legally not maintainable.
Site plan showing the existing position of the shop in dispute is
attached herewith'.*

3. Learned counsel for the petitioner has further submitted that the said application was bona fide but has been dismissed by the Rent Controller, vide order dated 10.02.2025 illegally and thus, the impugned order deserves to be set aside and the application for amendment deserves to be allowed.

4. This Court has heard learned counsel for the petitioner and has perused the paper-book and finds that the impugned order is in accordance with law and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons stated hereinafter.

5. It is not in dispute that the rent petition was filed by the respondent-landlady on 06.09.2018 and the reply was filed by the petitioner on 25.02.2019. It has fairly been stated before this Court by learned counsel for the petitioner that the evidence of the respondent-landlady was closed on 29.09.2023 and the present application for amendment was filed by the petitioner on 12.11.2024, which has been dismissed vide order dated 10.02.2025.

4. A perusal of the order dated 10.02.2025 would show that the said application has been dismissed after taking into consideration the fact that the respondent was the owner of the shop in dispute, which had a total area of 11'x45' feet and it is the said area which had been given on



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rent to the present petitioner vide Rent Note dated 25.09.1993 and till date the present petitioner is in occupation of the said area as a tenant and the respondent had filed an eviction with respect to the said area only. It was further observed that the trial has commenced and the evidence of the landlady was also completed. It is thereafter the present petitioner moved the application raising the plea that some area of the shop in dispute had been sold, on which the trial Court had observed that the said plea was raised without there being any documents with respect to the same. It was also observed that no one had come forward claiming himself to be the owner of the rear portion of the shop in dispute. It was further observed that there was nothing to show as to why the said plea was not raised in the original written statement and thus, apart from the plea being frivolous and unsubstantiated, it is apparent that there was no due diligence in raising the said plea. A perusal of the amendment sought would further show that no date as to when the alleged sale had taken place has been mentioned and thus, it is apparent that the said application has been moved only to delay the proceedings. The observations made in the impugned order have also not been shown to be either perverse or illegal.

5. The Hon'ble Supreme Court in the case of “*Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil*”, reported as (2010) 8 *Supreme Court Cases* 329, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or



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courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

6. Keeping in view the above, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is accordingly dismissed.

March 05, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes