



CR-2805-2021

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

Sr. No.122

CR-2805-2021(O&M)

Date of Decision: 27.03.2025

Parshotam Lal

...Petitioner

Versus

Iqbal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Shivya Sehgal, Advocate and
Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Mr. Deep Inder Singh Walia, Advocate
for the respondent.

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1. The instant revision petition is directed against the impugned order dated 18.10.2021 (Annexure P-4) passed by learned Rent Controller, Ludhiana, whereby application filed by the tenant-petitioner seeking amendment of the written statement, filed in ejectment proceedings stands dismissed.

2. The petitioner-tenant is facing proceedings under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, wherein he filed written statement. Learned Rent Controller framed issues. Landlord led evidence in support of his case. The matter was fixed for evidence of tenant, when instant application was moved, whereby the tenant sought amendment of the written statement claiming that in the eviction petition, the boundaries of demised premises have been wrongly mentioned. The said fact could not be inadvertently pleaded in the written statement.



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3. After hearing learned counsel for the parties, learned Rent Controller dismissed the application, holding that the proposed amendment was not bonafide. The intent was only to delay the proceedings as the same was filed by the respondent after availing umpteen opportunities.

4. Ms. Shivya Sehgal, Advocate appearing on behalf of the petitioner, while assailing the impugned order, submits that the proposed amendment does not adversely affect the claim of the landlord as the same only advances the interest of justice and thus, learned Rent Controller erred in dismissing the application.

5. Per contra, Mr. Walia, Advocate, submits that the application lacs bonafide. The conduct of the tenant has been recorded by learned Rent Controller to dismiss the application. He, thus, submits that the present petition is nothing but a ploy to delay the eviction proceedings.

6. I have heard learned counsel for the parties and have gone through the documents, annexed with the present petition.

7. In the considered opinion of this Court by way of proposed amendment, the tenant only wants to dispute the boundaries, as mentioned in the eviction petition and, thus, wants to dispute the identity of the property itself. For the same, he need not plead the correct boundaries. The endeavour will be to show that the boundaries have not been correctly depicted in the eviction petition, the same can be achieved by leading cogent evidence.

8. In view of the above, this Court does not find that the proposed amendment is necessary for the proper adjudication of the lis in hand and would, thus be hit by the proviso appended to Order 6 Rule 17 CPC, at this stage.



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9. With the aforesaid observations, the present revision petition is disposed of accordingly.

10. Pending applications, if any, stand disposed of accordingly.

**(PANKAJ JAIN)
JUDGE**

27.03.2025

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Whether speaking/reasoned? **Yes**

Whether reportable? **No**