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

CR-4980-2022 (O&M)

Date of Decision : 18.02.2025

Raman Bedi

... Petitioner(s)

Versus

Jia Lal (deceased) through LR's

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Sharad Mehra, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the impugned order dated 06.10.2022 whereby the application filed by the petitioner under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (CPC) for amendment of the written statement for bringing on record subsequent events has been dismissed.

2. Brief facts relevant to the present *lis* are that the landlord-respondent herein filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for eviction of the tenant-petitioner on the grounds of arrears of rent and for personal *bonafide* necessity of the landlord-respondent Jia Lal and his son - Mohit. During the pendency of the petition, vide order dated 02.03.2022, the application filed for impleading the legal representatives of the landlord - Jia Lal - was allowed. Subsequently, the present application was filed under Order 6 Rule 17 CPC for amendment of the written statement for bringing on record subsequent

events by adding a paragraph at the end of sub-para No.(ii) of Para No.7 on merits stating therein that Jia Lal for whose *bonafide* necessity the petition had been filed had since died and that his son - Mohit - was employed as a Home Guard on compassionate grounds. Reply was filed to the said application and vide the impugned order dated 06.10.2022 the application was dismissed. Hence, the present revision petition.

3. Learned counsel for the tenant-petitioner would contend that these are only subsequent events which the tenant-petitioner seeks to bring on record by way of amendment and that the tenant-petitioner would not be leading any further evidence except for tendering the information received under the Right to Information Act, 2005 regarding the appointment of Mohit as a Home Guard on compassionate grounds.

4. *Per contra* the learned counsel for the landlord-respondent would contend that the *bonafide* necessity of the landlord - Jia Lal - is not extinguished on his death and hence no useful purpose would be achieved by allowing the present amendment application.

5. I have heard the learned counsel for the parties.

6. In the present case two subsequent events are sought to be brought on the record by way of amendment - one is the death of the landlord - Jia Lal - and the second is the appointment of his son - Mohit - as a Home Guard in the Punjab Home Guard Department on compassionate grounds. The eviction petition had been filed for *bonafide* necessity of Jia Lal and his son - Mohit. The amendments would go to the root of the matter. The question as to whether the *bonafide* requirement of the landlord - Jia Lal - would stand extinguished on his death would be a matter to be

adjudicated upon by the Rent Controller.

7. In view of the above, the impugned order dated 06.10.2022 is set aside. The application for amendment of the written statement stands allowed. The tenant-petitioner is granted one opportunity to tender the document received under the Right to Information Act, 2005. One opportunity shall also be granted to the landlord-respondent to lead any evidence in rebuttal.

8. Disposed off accordingly. Pending applications, if any, also stand disposed off.

18.02.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO