



112

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-8422-2025****Date of Decision: 11.03.2026****PUSHPINDER SINGH AND ANOTHER****...Petitioners****Vs.****SATBIR SHARMA****...Respondent****CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Dharam Chand Mittal, Advocate and
Mr. Ujval Mittal, Advocate for the petitioners.

Mr. Vijay Kumar Jindal, Senior Advocate with
Mr. Abhishek Shukla, Advocate and
Mr. Sunil Bhardwaj, Advocate for the respondent.

VIRINDER AGGARWAL, J. (Oral)

1. The present revision petition under Article 227 of the Constitution of India has been filed challenging the order dated 28.08.2025 (Annexure P-6) passed by the learned Rent Controller, Chandigarh, whereby the application filed by the respondent-tenant under Order VI Rule 17 CPC seeking amendment of the written statement at a belated stage was allowed.

2. Learned counsel for the petitioners contended that the impugned application was moved by the respondent even after the respondent had already examined nine witnesses, and the learned Rent Controller had granted the last opportunity to the respondent for leading evidence. It was submitted that by seeking amendment of the written statement at such a belated stage, the respondent intended to incorporate pleadings which were already within their knowledge, as the evidence led by the respondent had already addressed those very allegations. Learned counsel argued that allowing such amendment at this stage would prejudice the petitioner and upset the orderly conduct of



the proceedings. The order permitting the belated amendment is, therefore, assailed in the present revision petition.

3. I have heard counsel for the parties and have perused the paper-book carefully.

4. An application was filed by the respondent-tenant in relation to the fact that the father of the petitioners had transferred land measuring 01 kanal 5.24 marlas in favor of the petitioners vide transfer deed dated 05.04.2023, and that the petitioners had constructed shops, rooms, and godowns in Sandhu Bazaar for letting out. The learned Rent Controller allowed the said application. In paragraph No. 8 of the impugned order, the learned Rent Controller observed:

“In the present case, the nature of the proposed amendment is not to introduce an altogether new or inconsistent defence, but to incorporate specific factual details based on bank statements and firm records, which, if proved, may go to the root of the respondent's claim in the present case. The plea sought to be introduced is essential for a just and fair decision in the matter. Although the application is filed at a belated stage, it cannot be dismissed at the threshold merely on the ground of delay. Any prejudice to the petitioner can be mitigated by affording an opportunity to file an additional replication and to cross-examine witnesses on the amended pleas. The paramount consideration of the Court is to adjudicate upon the real dispute between the parties on the basis of a complete and accurate factual foundation. Denial of the amendment in the present case may result in the controversy being decided without reference to potentially decisive facts.”

5. A perusal of paragraph No. 8 of the impugned order clearly reveals that the learned Rent Controller has failed to properly apply his judicial mind to the facts and circumstances of the present case. In the said paragraph, the amendment application has been allowed on the ground that the



applicant intends to incorporate specific factual details based upon banking statements and firm records. However, such a ground is wholly foreign to the controversy involved in the present case and does not arise from the pleadings or the material placed on record.

7. This clearly indicates that the learned Rent Controller has inadvertently taken into consideration facts pertaining to some other case while deciding the application for amendment in the present matter. The reasoning recorded in the impugned order, therefore, appears to be based on an apparent mix-up of facts and is not supported by the record of this case. Such a casual and mechanical approach reflects non-application of mind and amounts to a material irregularity in the exercise of jurisdiction by the learned Rent Controller. An order founded on considerations extraneous to the record of the case cannot be sustained in the eyes of law. Consequently, the impugned order suffers from patent illegality and material irregularity, and therefore the same is liable to be set aside.

8. Accordingly, the present revision petition filed by the petitioners is **allowed**. The impugned order is set aside and the matter is remitted to the learned Rent Controller with a direction to re-consider and decide the application filed by the respondent seeking amendment of the written reply, afresh, strictly in accordance with law and after affording due opportunity of hearing to both the parties.

(VIRINDER AGGARWAL)
JUDGE

11.03.2026

kv

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