

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) Nos.6520-6522/2020

(Arising out of impugned final judgment and order dated 13-02-2020 in CR No.5151/2019, CR No.5163/2019 and CR No.5168/2019 passed by the High Court of Punjab & Haryana at Chandigarh)

SITA DEVI

Petitioner(s)

VERSUS

SHRI SANATAN DHARAM SABHA (REGISTERED)

Respondent(s)

Date : 03-09-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Gauravjit Patwalia, Adv.
Mr. Ajay Chaudhary, Adv.
Mr. Tushar Bakshi, AOR

For Respondent(s) Mr. Manoj Swarup, Sr. Adv.
Ms. Neelam Pant, Adv.
Mr. Dinesh Verma, Adv.
Mr. Yash Singhal, Adv.
Mr. Neelmani Pant, Adv.
Mr. Subhasish Bhowmick, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. We have heard Mr. P.S. Patwalia, learned Senior Counsel for the petitioner.

2. These petitions have been filed against the order of the High Court of Punjab and Haryana at Chandigarh dated 13.02.2020 passed in C.R. No.5151/2019, C.R. No.5163/2019 and C.R. No.5168/2019 whereby the High Court has allowed the Civil Revisions filed by the respondent against the order of the Rent Controller, Hoshiarpur

rejecting its prayer for amendment of the application filed under Section 13 of the East Punjab Rent Restriction Act, 1949 (for short "the 1949 Act").

3. It is not in dispute that the application under Section 13 of the 1949 Act has been filed by the respondent as a landlord of the premises for release of the premises for the purpose of business. In light thereof, the landlord was required to satisfy twin requirements: (a) that he has *bona fide* need for the premises; and (b) that he is not occupying in the urban area concerned for the purpose of his business any other such building or rented land, as the case may be.

4. Though, the first requirement for setting up the prayer was disclosed in the application but the second requirement that landlord was not occupying in the urban area concerned any other such building or rented land for the purpose of his business was not disclosed in the application.

5. Finding this as a lacuna in the application, an objection was taken by petitioner-herein that the application under Section 13 of the 1949 Act was not maintainable. The matter, however, proceeded for some time and when the parties led their evidence, an application was moved on behalf of the landlord to incorporate necessary averments in respect of the second requirement.

6. This application was rejected by the Rent Controller. Against which, Civil Revisions were filed before the High Court. The Rent Controller rejected the application primarily on the ground that the principles of Code of Civil Procedure, 1908 (for short "the Code") were applicable to the proceedings and since parties had already led their evidence, it was too late in the day to move an amendment application as the same would be barred by the proviso to Order VI Rule 17 of the Code.

7. Assailing the order of the Rent Controller, the respondent filed revision which has been allowed by the impugned order on the

ground that though the principles of the Code are applicable but those principles are to act as guidelines and they do not create any bar for the Court to allow an amendment to secure the ends of justice.

8. We do not find any error in the view taken by the High Court. More so, when the landlord could have instituted a fresh petition for the same relief.

9. The Special Leave Petitions stand dismissed.

10. Pending application(s), if any, stand disposed of.

(VIJAY KUMAR)
COURT MASTER (SH)

(ANU BHALLA)
COURT MASTER (NSH)