



2026:PHHC:034197



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-2084-2026

Date of Decision.:06.03.2026

Amit Kumar @ Amit Arora

.....Petitioner

Vs.

Rajeev Tuteja and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTAPresent:- Mr. S.K. Arya, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The present revision petition has been filed by the tenant-petitioner assailing the order dated 04.02.2026 (*Annexure P-1*) passed by the learned Rent Controller, Amritsar, whereby the application filed by the tenant - petitioner under Order VI Rule 17 read with Section 151 CPC seeking amendment of the written statement in the eviction petition was dismissed.

2. The eviction petition under Section 13 of the Rent Act was filed by the respondent-landlord seeking eviction of the petitioner from the demised premises. During the pendency of the proceedings and after commencement of trial, the petitioner moved an application for amendment of the written statement seeking to incorporate certain pleas questioning the title of the landlord and disputing the relationship of landlord and tenant between the parties. The proposed amendment was primarily based on the plea that during cross-examination of the landlord, it allegedly came to light that the sale deed produced by him related to another property and not to the demised premises. On that basis, the tenant sought to plead that the landlord had no title over the demised



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premises and therefore, lacked locus standi to maintain the eviction petition.

3. The learned Rent Controller, after hearing the parties, dismissed the said application holding that the amendment was sought after the commencement of trial and that the tenant had failed to demonstrate due diligence as required under the proviso to Order VI Rule 17 CPC. It was further observed that the tenant was attempting to change his stand by withdrawing earlier admissions regarding the relationship of landlord and tenant. The Rent Controller also noticed that in view of Section 116 of the Indian Evidence Act, a tenant is estopped from denying the title of the landlord during the continuance of tenancy.

4. Assailing the impugned order, learned counsel for the petitioner contends that the amendment sought was necessary for determining the real controversy between the parties and that the trial Court adopted an overly technical approach while rejecting the application.

5. I have heard learned counsel for the petitioner and have gone through the record.

6. The scope of interference by this Court in exercise of revisional jurisdiction is limited. Unless the order passed by the Court below suffers from patent illegality, jurisdictional error or material irregularity, this Court would not interfere with a discretionary order relating to amendment of pleadings.

7. Order VI Rule 17 CPC permits amendment of pleadings at any stage of the proceedings. However, the proviso inserted by the Code of Civil Procedure (Amendment) Act, 2002 clearly stipulates that once the trial has commenced, an amendment can be allowed only if the party seeking amendment demonstrates that despite due diligence, the matter could not

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have been raised before the commencement of trial. The requirement of due diligence is mandatory and acts as a restraint on belated amendments which are intended to delay the proceedings.

8. In the present case, the record clearly shows that the amendment application was filed after issues had been framed and after cross-examination of witnesses had already commenced. The petitioner has failed to show any circumstance indicating that the facts sought to be introduced by way of amendment were not within his knowledge earlier or that despite due diligence he could not have raised such pleas in the original written statement. The Rent Controller has rightly noticed that the tenant had earlier admitted the relationship of landlord and tenant and is now attempting to take a completely inconsistent plea by questioning the landlord's title.

9. It is also well settled that under Section 116 of the Indian Evidence Act, a tenant who has been let into possession by the landlord is estopped from disputing the title of the landlord during the subsistence of the tenancy. In eviction proceedings under the Rent Act, the tenant cannot be permitted to challenge the title of the landlord or to set up a plea which has the effect of denying the relationship of landlord and tenant, particularly when such relationship was earlier admitted.

10. Furthermore, allowing the proposed amendment at this stage would clearly prejudice the landlord and would have the effect of reopening the entire trial, thereby delaying the adjudication of the eviction petition, which is otherwise required to be decided expeditiously.

11. The reasoning recorded by the learned Rent Controller reflects a proper appreciation of the statutory requirements under Order VI Rule 17 CPC as well as the settled principles governing amendments of pleadings. The impugned order does not suffer from any illegality, perversity or



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jurisdictional error warranting interference by this Court in revisional jurisdiction.

12. Consequently, finding no merit in the present revision petition, the same is dismissed.

13. Pending applications, if any, also stand disposed of.

(DEEPAK GUPTA)
JUDGE

March 06, 2026

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No