

**CR-9418-2025 (O&M)****-1-**

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

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**CR-9418-2025 (O&M)
Decided on :- 12.01.2026**

Dharampal Mehmi

....Petitioner

VERSUS

Sushma Rani

....Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Sumeet Singh Brar, Advocate for the petitioner.

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MANDEEP PANNU J.

1. The present Civil Revision Petition has been filed by the petitioner-tenant Dharampal Mehmi, invoking the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, challenging the order dated 17.10.2025 passed by the learned Rent Controller, Ludhiana, whereby the application moved by the petitioner under Order 6 Rule 17 read with Section 151 CPC seeking amendment of the written statement in Rent Petition No. 516 of 2019 titled 'Sushma Rani vs. Dharampal Mehmi' has been dismissed.

2. It is pleaded that during the pendency of the rent petition and particularly during the cross-examination of the petitioner-landlord, certain facts have come on record which were not earlier within the knowledge of the applicant and which, according to him, go to the root of the matter. It is averred that the petitioner-landlord appeared as PW-1 and during her cross-examination admitted that she is residing in House No.B-34-4890, situated near Ranjit Model School, Durga Puri, Haibowal Kalan, Ludhiana, and further admitted that the said house stands in the name of her husband and that the sale deed thereof is also in his



name. It is further pleaded that the petitioner–landlord admitted that she is not having any other residential house except the aforesaid house and that her husband is also not having any other shop except the suit property.

3. On the basis of the aforesaid answers given in cross-examination, the applicant alleges that the petitioner–landlord has intentionally concealed material facts while filing the eviction petition and has also filed a false affidavit claiming that she is not occupying any other residential or non-residential building in the urban area of Ludhiana.

4. It is further alleged that the petitioner–landlord intentionally got the said residential house transferred in her own name with a malafide intention to file the present eviction petition and to create a false plea of personal necessity.

5. It is also pleaded that the petitioner–landlord and her husband had taken a sum of Rs.2,00,000/- from the applicant as security, which was reduced into writing and the original document is lying with the husband of the petitioner–landlord, and that the present eviction petition has been filed with an intention to forfeit the said amount.

6. It is pleaded that since the aforesaid facts have surfaced during cross-examination, the applicant seeks to incorporate the same by way of amendment in the written statement, both in the preliminary objections as well as on merits. It is averred that the proposed amendments are necessary for proper adjudication of the controversy and that no prejudice would be caused to the petitioner–landlord if the amendment is allowed.

7. On these averments, prayer has been made to allow the application and permit the applicant to amend the written statement in terms of the proposed paragraphs annexed with the application.



8. Since the short controversy is involved in the present petition, no notice is required to be issued to the respondent.

9. I have given my thoughtful consideration to the submissions advanced by learned counsel for the petitioner and have carefully gone through the pleadings, the proposed amendments, as well as the stage of the proceedings. At the outset, it is evident that the application for amendment has been moved after commencement of trial and after the petitioner–landlord has already been examined and cross-examined as PW-1. Therefore, the proviso to Order 6 Rule 17 CPC squarely applies, and the applicant is required to demonstrate due diligence, which is conspicuously absent in the present case.

10. A perusal of the application reveals that the entire foundation of the proposed amendment rests upon certain answers elicited from the petitioner–landlord during her cross-examination. The applicant seeks to incorporate, by way of amendment, alleged admissions made during cross-examination relating to ownership and possession of another residential house and other allied facts.

11. Law is well settled that facts which surface during cross-examination do not furnish a valid or independent ground for amendment of pleadings. Cross-examination is meant to test the veracity of the pleadings already on record and to impeach or support the case set up by the opposite party. Any admission, if made, becomes part of the evidentiary record and is required to be appreciated at the stage of final arguments while adjudicating the merits of the case.

12. The applicant cannot be permitted to convert evidence into pleadings. Allowing amendment on the basis of cross-examination would amount to permitting a party to restructure its defence after assessing the strength or

**CR-9418-2025 (O&M)****-4-**

weakness of the evidence, which is impermissible in law. Such a course would defeat the very purpose of procedural discipline and fair trial.

13. Moreover, the facts sought to be incorporated by way of amendment pertain to matters which were either already within the knowledge of the applicant or could have been pleaded with reasonable diligence at the time of filing the original written statement. The application does not disclose any subsequent event occurring after the filing of the written statement which would necessitate amendment.

14. The proposed amendments are also not essential for determining the real controversy between the parties, as the issues regarding bona fide requirement and availability of alternative accommodation are already subject matter of evidence. The alleged admissions, if any, can very well be argued and appreciated without altering the pleadings.

15. It is thus apparent that the application has been filed with an intention to fill up lacunae exposed during trial and to delay the proceedings, rather than to assist the Court in effective adjudication of the dispute.

16. In view of the aforesaid discussion, this Court finds no error or perversity in the order passed by the learned Rent Controller dismissing the application under Order 6 Rule 17 CPC. Consequently, the present Civil Revision Petition is found to be without any merit and is hereby dismissed.

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

January 12, 2026
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No