

**East Punjab Urban Rent Restriction Act, 1949, Section 13 - [CPC O. 6 R 17](#) - Application filed by the landlord for amendment of the eviction petition - Dismissed - *Held*, It is now well settled that the amendment of the pleadings can be allowed even after commencement of the trial where the Court comes to the conclusion that despite due diligence the party could not have raised the matter before the commencement of the trial, meaning thereby it can be raised at any time, but the amendment cannot be allowed to fill up the lacuna caused in the case of the party on account of admission made in the pleadings and from the statement recorded before the Court. *Held further***

In the present case, the case set up by the landlord was that the demised premises is required for her son Ish Kumar who would start the business of Chemist in it. However, when her son Ish Kumar appeared in the witness box as AW4, he categorically stated that he is only a graduate in Arts and would not be able to open the Chemist shop as he does not possess the license for it. He also admitted that he has no proof of being an LIC agent. In order to overcome this hurdle, after the arguments were heard by the Rent Controller, the amendment has been sought in the eviction petition in the garb of subsequent events to aver that Ish Kumar would start the business of Ayurvedic Medicines in the demised premises for which obviously no license is required as alleged by learned counsel for the landlord. Insofar as the other amendment with regard to averment that neither the landlord nor her son is in occupation of any such non-residential building or has vacated any such building in the same urban area is concerned, it was in their knowledge from the beginning and is not such a subsequent event which could not have been discovered by them earlier despite due diligence.

**[2011 PLRonline 0103](#)**

**Arjun Chand v. Smt. Shama Joshi, [2011 PLRonline 0103](#)**