
(2000) 09 DEL CK 0052

In the Delhi High Court

Case No : CR 39/99

Shri Rajesh Gulati

APPELLANT

Vs

Shri Shammi Anand and another

RESPONDENT

Date of Decision : 05-09-2000

Acts Referred:

Citation : (2000) 09 DEL CK 0052

Hon'ble Judges : B.A. Khan, J

Bench : Single Bench

Advocate : S.K. Bhaduri, for the Appellant; Sanjiv Sachdeva, for the Respondent

Judgement

KHAN, (J)

1. Petitioner is facing a suit for ejectment and recovery of arrears of rent in respect of premises (700 sq.yds. of basement) in a two storey building at East of Kailash, New Delhi. He filed the written statement in this suit that he was a tenant of respondent No.1 in respect of a portion of basement (800 Sq.yards) for a monthly rent of Rs.3500/- plus electricity charges of Rs.700/- and a tenant of respondent No.2 for another portion on a rental of Rs.700/-. He later filed an application under Order 6 Rule 17 CPC for amendment of his written statement seeking correction of some typographical mistakes and incorporation of an averment that he was a tenant of a room and 150 Sq.yards area on the ground floor of the building on a monthly rent of Rs.700/- under respondent No.2. Trial court has allowed him to correct typographical mistakes but has rejected his prayer to incorporate the new plea by a reasoned order and the reason given is that once respondent's suit was for ejectment of premises in basement area only, the question of raising a plea in respect of ground floor by the amendment sought did not arise.

2. One cannot but agree on all fours with the view taken by the trial court. Given regard to the fact that respondent's suit was only limited to recovery of possession of basement area, it is not understandable how was petitioner

wanting to introduce ground floor area in it. The amendment sought by him is misconceived and misdirected on the face of it. He cannot be allowed to let loose himself and introduce something in his written statement which offers no defense to the suit he was facing and was not relevant to subject matter of dispute at all.

3. I find nothing wrong with the impugned order which is affirmed and revision petition dismissed.