

Parveen Kumar Khagta vs Karam Dass

RSA No.279 of 2022

15.12.2025 Present: Mr.Sumit Sharma,Advocate, for the appellant.

Ms. Meera Devi and Ms.Manisha Kumari,
Advocates, for the respondent.

CMP No.21611 of 2025

Heard, counsel for the parties. Perused the pleadings. The present application has been filed under Order 6 Rule 17 read with Section 151 CPC seeking a prayer to amend the Written Statement filed by the present applicant/appellant/defendant before the learned Trial Court.

By virtue of the present application, two amendments are sought to be made. First amendment sought to be got incorporated in the Written Statement filed before the learned Trial Court at the stage of second appeal is that the area in question where the premises fall vide notification dated 28.10.2020 has now been declared to be a Nagar Panchayat area. The said fact is not disputed. However, the said amendments cannot be permitted for the below mentioned reasons.

The suit in the case at hand was filed on 27.06.2017. The suit was filed under Section 106 of the Transfer of Property Act. Eviction in the case at hand, qua the suit premises insofar as the present

applicant/appellant/defendant is concerned, had been effected vide notice Ex.PW1/D dated 31.03.2017 issued by the present respondent/plaintiff/ non-applicant.

Unlike a tenancy under the Urban Rent Control Act, lease in terms of Section 106 of the Transfer of property Act is terminated on the issuance/receipt of notice. All that has to be proved is the receipt of the same .

Besides rights inter se the parties have to be determined on the date of institution of the suit. In the case at hand i.e. the date of the institution of the suit is 27.06.2017. Admittedly, on the said date, the area fell outside the purview of the Nagar Panchayat and was a rural area, which fell outside the purview of the HP Rent Control Act, therefore lease was correctly terminated in terms of the relevant provisions of the Transfer of Property Act.

Second contention raised is with respect to the rent agreement dated 06.08.2021, alleged to have been signed, executed inter se the parties and attested before the Executive Magistrate on 27.09.2021. In this respect, it is pertinent to mention that already an application under Order 41 Rule 27 of CPC has been filed for placing the same on record. The application filed under Order 41 Rule

27 CPC in this regard is CMP No.11008 of 2023. Same has been ordered to be heard along with the main appeal.

However, suffice to state from the perusal of the rent agreement placed on record. It is evident that the rent agreement is for more than 11 months and hence is required to be compulsorily registered, which is not the case at hand. In view thereof, I see no force in the contention of the present applicant, seeking amendments at this stage.

Even otherwise, amendments now sought should have been made while the matter was pending consideration before the learned Trial Court, which finally decided the matter on 24.12.2021. On this account, there is a complete lack of diligence on the part of the present applicant in seeking the present amendments. By virtue of the proviso under Order 6 Rule 17 CPC, also, the present applicant/appellant/defendant is disentitled for seeking amendments. Accordingly, the application is dismissed and stands disposed of.

December 15, 2025
(meera)

(Bipin C. Negi)
Judge