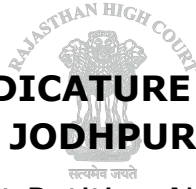




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**



S.B. Civil Writ Petition No. 2830/2026

1. Lrs Of Mr. Bharat Lakhani, S/o Of Late Shri Parasram Lakhani (Deceased), Through His Legal Heirs-
2. Mrs. Ganga Devi W/o Late Mr. Parasram Lakhani (Mother), Aged About 70 Years, Resident Of - 18-E/312, Chopasni Housing Board, Jodhpur.
3. Mrs. Sonia W/o Late Mr. Bharat Lakhani, Aged About 43 Years, Resident Of - 18-E/312, Chopasni Housing Board, Jodhpur.
4. Mr. Prem S/o Late Mr. Bharat Lakhani, (Original Name Is Paresh), Resident Of - 18-E/312, Chopasni Housing Board, Jodhpur.
5. Mr. Yuvi S/o Late Mr. Bharat Lakhani, Aged About 17 Years, Resident Of - 18-E/312, Chopasni Housing Board, Jodhpur.

----Petitioners

Versus

Vikas Garg S/o Shri Prem Prakash Garg, Resident Of 19, Roop Rajat Sarovar, Pal Road, Jodhpur.

----Respondent

For Petitioner(s) : Mr. Praveen Mohan Vyas  
For Respondent(s) : Mr. Akshay Nagori

**HON'BLE MR. JUSTICE FARJAND ALI**

**ORDER**

<b>DATE OF CONCLUSION OF ARGUMENTS</b>	<b>07/05/2026</b>
<b>DATE ON WHICH ORDER IS RESERVED</b>	<b>07/05/2026</b>
<b>FULL ORDER OR OPERATIVE PART</b>	<b>Full Order</b>
<b>DATE OF PRONOUNCEMENT</b>	<b>06/07/2026</b>

**REPORTABLE**

**BY THE COURT:-**

1. The petitioners have invoked the extraordinary writ jurisdiction of this Court under Article 227 of the Constitution of



India, laying challenge to the order dated 18.09.2025 passed by the learned Senior Civil Judge, (Rent Tribunal) Jodhpur Metropolitan in Petition No.270/2014 whereby the applications preferred by the respondent-landlord under Order VI Rule 17 of the Code of Civil Procedure, 1908 read with Section 21 of the Rajasthan Rent Control Act, 2001 came to be allowed. Aggrieved thereby, the petitioners have preferred the present writ petition seeking quashing of the said order.

2. The factual backdrop, shorn of unnecessary details, is that the respondent-landlord instituted eviction proceedings against the petitioners under the provisions of the Rajasthan Rent Control Act, 2001 (hereinafter referred to as 'the Act of 2001'). Upon service of summons, the petitioners entered appearance and submitted their reply contesting the eviction petition.

2.1. During the pendency of the proceedings, the petitioners had initially remained absent, whereupon an application under Order IX Rule 7 of the CPC was moved for recalling the ex parte proceedings. The learned Rent Tribunal allowed the said application subject to payment of costs of Rs.2,500/-. Subsequently, the petitioners preferred a review application, which also came to be dismissed.

2.2. Thereafter, the respondent-landlord preferred two separate applications before the learned Tribunal. The first application was under Section 21 of the Act of 2001 seeking permission to assign exhibit marks to certain documents, namely the original postal receipt and acknowledgment due card, which had admittedly





accompanied the eviction petition but had inadvertently remained unmarked owing to a clerical omission. The second application was under Order VI Rule 17 CPC seeking amendment of paragraph 12 of the eviction petition by incorporating reference to the aforesaid documents, which, according to the respondent, had been omitted due to an inadvertent typographical and clerical error at the time of presentation of the petition.



2.3. The petitioners filed detailed replies opposing both the applications principally on the grounds that the matter had reached the stage of final arguments; the proposed amendment was sought after an inordinate lapse of time; the omissions could not be permitted to be cured at such an advanced stage of the proceedings; and that allowing the applications would alter the complexion of the eviction petition and prejudice the accrued rights of the petitioners.

2.4. Upon hearing the rival submissions and examining the record, the learned Tribunal, by the impugned order dated 18.09.2025, allowed both applications. The Tribunal recorded a categorical finding that the documents sought to be exhibited had, in fact, been filed along with the original eviction petition on 28.05.2014 and that the omission was merely procedural in nature. It further held that the proposed amendment neither introduced any new pleading nor altered the foundation of the eviction proceedings, but merely sought to rectify an inadvertent omission by incorporating reference to documents already forming part of the record. The Tribunal further safeguarded the interests



of the petitioners by granting them liberty to file an amended reply, if so advised. Hence the instant Writ Petition.

3. I have bestowed anxious consideration to the submissions advanced by the learned counsel for the parties and having carefully perused the impugned order as well as the material placed on record, this Court finds no jurisdictional infirmity, patent illegality or perversity warranting interference in exercise of its supervisory jurisdiction.

4. It is an undisputed position emerging from the record that the postal receipt and acknowledgment due card sought to be referred to by way of amendment had accompanied the eviction petition at its inception. The respondent-landlord has neither sought to introduce any fresh document nor attempted to improve his case by producing additional evidence. The amendment is confined merely to incorporating, in paragraph 12 of the petition, a reference to documents already available on the record and to assigning exhibit marks thereto in accordance with law. Such rectification is essentially procedural and is intended to remove an inadvertent omission.

4.1. The settled principles governing amendments of pleadings are well entrenched. Courts ordinarily adopt a liberal approach where the proposed amendment is necessary for determining the real controversy between the parties, does not introduce a fundamentally new or inconsistent case, does not divest the opposite party of any vested or accrued right, and where any possible prejudice can adequately be compensated by affording an





opportunity to meet the amended pleadings. Procedural law is designed to facilitate, and not to thwart, the cause of substantive justice. Hyper-technical objections ought not to be permitted to defeat adjudication on merits where no irretrievable prejudice is shown to have been occasioned.

4.2. In the present case, the petitioners have failed to demonstrate as to how the impugned order causes any real or substantial prejudice. The amendment neither changes the character of the eviction proceedings nor introduces a fresh cause of action. Equally, permitting exhibit marking of documents already filed on record does not enlarge the respondent's case. Rather, the learned Tribunal has adequately protected the petitioners by expressly reserving their liberty to file an amended reply and contest the documents in accordance with law. Consequently, no vested right of the petitioners can be said to have been impaired.

4.3. The supervisory jurisdiction of this Court under Article 227 is intended to ensure that subordinate courts act within the bounds of their jurisdiction. It is neither an appellate jurisdiction nor one intended to substitute the Court's own discretion merely because another view may also be possible. Unless the impugned order suffers from manifest perversity, patent illegality, jurisdictional error or results in gross failure of justice, interference is wholly unwarranted.

5. On an overall and holistic appraisal of the factual matrix, the pleadings of the parties, the material available on record and the reasoning assigned by the learned Tribunal, this Court is satisfied





that the discretion exercised by the learned Tribunal is neither arbitrary nor capricious, but is founded upon sound judicial principles and is in complete consonance with the settled jurisprudence governing amendment of pleadings and procedural rectifications. The impugned order reflects a judicious exercise of discretion aimed at facilitating an effective, comprehensive and meaningful adjudication of the real controversy between the parties, rather than allowing the lis to be decided on account of inadvertent procedural lapses or technical omissions.

5.1. It is evident that the amendment permitted by the learned Tribunal neither introduces a new cause of action nor alters the foundational character or essential nature of the eviction proceedings. Equally, the permission granted for assigning exhibit marks to documents already forming part of the record does not enable the respondent to improve or embellish his case by introducing fresh evidence. The exercise merely regularises an inadvertent omission in respect of documents which had admittedly accompanied the original petition at the time of its institution. Such a procedural correction neither divests the petitioners of any vested or accrued right nor places them in a position of irretrievable prejudice. On the contrary, the learned Tribunal has adequately safeguarded the petitioners' interests by expressly preserving their liberty to file an amended reply and contest the amended pleadings as well as the documents sought to be exhibited.





5.2. It is a settled canon of procedural jurisprudence that the rules of procedure are intended to serve as handmaids of justice and not as its mistress. Unless a proposed amendment results in manifest injustice, causes irremediable prejudice to the opposite party, or fundamentally transforms the nature of the proceedings, the Court ought to adopt a liberal and pragmatic approach so that the real dispute between the parties is adjudicated on its intrinsic merits. Procedural law cannot be permitted to become an instrument for thwarting substantial justice or for defeating an otherwise legitimate adjudication merely on account of technical or clerical lapses.

5.3. The supervisory jurisdiction of this Court under Article 227 of the Constitution is circumscribed and is not intended to function as an appellate forum for reappreciating discretionary orders passed by subordinate Courts. Interference is warranted only where the impugned order is demonstrably vitiated by patent perversity, manifest illegality, jurisdictional error, arbitrariness or a palpable failure of justice. None of these contingencies are attracted in the present case. The impugned order neither suffers from any jurisdictional infirmity nor discloses any error apparent on the face of the record warranting correction in exercise of the extraordinary supervisory jurisdiction of this Court.

5.4. Viewed from any angle, the impugned order subserves the ends of justice by enabling a complete and effective adjudication of the controversy while simultaneously preserving the procedural safeguards available to the petitioners. This Court, therefore, finds





no justifiable or compelling reason to interfere with the well-reasoned and discretionary order passed by the learned Tribunal.

6. Accordingly, the writ petition, being devoid of merit, stands dismissed. Stay petition and all pending application(s), if any, also stand disposed of. No order as to costs.

**(FARJAND ALI),J**

186-Mamta/-

