

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7155 of 2016 (O&M)

Date of decision:- 12.02.2018

Pawan Kumar

...Petitioner

Versus

Gurbalash Kaur

...Respondent

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Anil Chawla, Advocate,
for the petitioner.

Mr. V.K.Sandhir, Advocate,
for the respondent.

RITU BAHRI J. (Oral)

Present civil revision against the findings recorded by Ld. Rent Controller, Amritsar dated 05.08.2016 whereby the application to contest leave to defend filed by the petitioner/tenant has been dismissed and whereas, ejectment petition under Section 13B of the East Punjab Urban Rent Restriction Act filed by the Landlord-Gurbalash Kaur has been allowed.

The rent application filed under Section 13 B of East Punjab Urban Rent Restriction Act, 1949 filed on 07.05.2015 i.e. after coming into existence of the Act, 1995 and as such the petition under Section 13 B of the repealed Act could not have been filed. The said act was passed by the legislature in the year 1995 but came into force w.e.f. 13.11.2013. and Sections 3(1) (a) , 38, 50 and 75 make crystal clear that the provisions of this Act shall not apply to any premises which are let out before the commencement of this Act meaning thereby that even if the premises are owned by NRI and were let out before the commencement of this Act they would have to be dealt under the Act of 1979. Coordinate bench of this

court in bunch of cases one is **Krishan Kuamr Versus Kamla Devi**
CR3509 of 2014 decided on 09.05.2016 have considered the case of those
NRIS Landlords who filed petitions after the coming into force of the 1995
Act and made the averments required under the said Act would be entitled
to file formal applications for amendment of number of the Section and the
title of the Act mentioned therein. However, these tenants would be entitled
to the statutory benefits conferred by the 1995 Act in so much as they would
have right to file an application for review against the order declining leave
to defend as well as the right to file an appeal against an order of eviction.
Punjab Rent Act Amendment 1995 which come into force w.e.f. 13.11.2013

Keeping in view the ratio laid down in the said judgment the
petition is allowed and the impugned order whereby leave to defend has
been rejected and evictin has been allowed, is set aside. The landlady would
be required to file a formal application for amendment within one month of
the date of receipt of certified copy of this order and if it is so done the
application for amendment shall be allowed. The Rent Controller will then
proceed to reddecide the application to defend under the 1995 Act.

Parties are directed to remain present before the Rent Controller,
Amritsar on 13.03.2018.

12.02.2018

Riya Grover/ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable : No