

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.7398 of 2017 (O&M)
Date of Order: 14.09.2018

Mohinder Pal

..Petitioner

Versus

Bimla Chhabra and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Divyanshu Jain, Advocate,
for the petitioner.

Mr. Mayank Mathur, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

Tenant-petitioner is in the revision petition against the order passed by the learned Rent Controller, dismissing application under Order 7 Rule 11 of the Code of Civil Procedure.

Landlord filed a petition under the East Punjab Urban Rent Restrict Act, 1949, claiming for determination of the fair rent and eviction on the ground, if the tenant fails to pay the fair rent.

Learned counsel for the petitioner submitted that a new Rent Act i.e. Punjab Rent Act, 1995 has been enforced. However, with respect to the tenancies which were created before the enforcement of the Act, would be governed by the old Act. However, he further submitted that the present petition has been filed under Section 4 of the New Act as would be clear from the reading of petition.

On careful examination of the petition, it is apparent that the

petition was filed under the old Act, i.e. East Punjab Urban Rent Restrict Act, 1949. The grounds for rejection of the petition under Order 7 Rule 11 of the Code of Civil Procedure are very limited and the court is not bound to reject the petition only because a wrong ground has been taken in the petition or wrong provision of the Act has been mentioned.

In view thereof, this court does not find any good ground to interfere.

The revision petition is dismissed.

September 14, 2018
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No