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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-25620-CII-2019 in/and
CR-7983-2019 (O&M)
Date of Decision: December 17, 2019

Gurdev Singh

.....Petitioner

Versus

Gurmeet Kaur

.....Respondent

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Anil Shukla, Advocate
for the applicant-petitioner.

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NIRMALJIT KAUR, J.

The present revision petition is filed against the order dated 28.11.2019 passed by the Appellate Authority as well as the order dated 01.02.2018 passed by the Rent Controller allowing the eviction petition.

While praying for setting aside the same, learned counsel for the petitioner submitted that the rent eviction petition was filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short,'the 1949 Act') on the ground of arrears of rent and personal necessity. The 1949 Act stood repealed vide Section 75 of the Punjab Rent Act, 1995 (for short,'the 1995 Act') which came into force w.e.f. 30.11.2013 whereas the 1995 Act was amended and came into force on 29.08.2014 and the present eviction petition was filed by the respondent on 30.09.2014, i.e. much after the 1949 Act had been repealed. Therefore the judgments dated 28.11.2019 and 01.02.2018 passed by the Appellate Authority and the Rent

Controller, respectively are without jurisdiction.

Heard.

Admittedly, no objection was raised by the petitioner-tenant before the Rent Controller nor any such objection was raised before the Appellate Rent Tribunal. The eviction petition was filed on 30.09.2014. He allowed the finalisation of the rent petition as well as the appeal without raising any objection. In fact, there is no mention of any such objection or ground even in the revision before this Court. The same has been raised for the first time by filing an application under Order 6 Rule 17 of the Code of Civil Procedure for amendment of the grounds of revision. The same is being raised only after the two courts have held against the petitioner-tenant. Therefore, the said application cannot be allowed at this stage and nor he can be allowed to raise the said objection, at this stage, after he has lost from two Courts. It is also the settled proposition of law that such an objection qua question of jurisdiction should be raised at the first instance or as early as possible. Moreover, the petitioner being aware of the said amendment should have brought to the notice of the Court immediately. Having failed to do so, he cannot take advantage of his own negligence. Moreover, it is not the case of the petitioner that in case the matter was filed under the New Act the result would be different or that there was any major difference between the amended or unamended Act which would have given advantage to the petitioner, in any manner. The eviction petition was filed on the ground of *bona fide* need. The findings recorded under this head would not change the conclusion of the order and judgment in case the matter is sent back with liberty to file under the amended Act.

In view of the above discussion, the application under Order 6 Rule 17 of the CPC is rejected having been filed at a belated stage as well as being unnecessary in the facts of the present case.

On merits also, no such argument has been raised which may enable this Court to interfere in the well reasoned orders passed by the two Courts below. The personal necessity has been proved beyond doubt. The land-lady is a Government teacher and comes daily to Sirhind to attend her job. She wants to live in her own house and attend her job of a teacher without the hassle of commuting daily from Patiala. The argument that now she has been posted to Bagriyan does not help. Bagriyan is also equally closed to Sirhind and Sirhind would be the appropriate place for her to stay especially taking into account that it is her own house in Sirhind. He cannot dictate the terms to a land-lord to stay in a rented accommodation at Patiala when her own house is available in Sirhind.

In view of the above, the revision petition alongwith application is dismissed.

December 17, 2019
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**(NIRMALJIT KAUR)
JUDGE**

1. Whether speaking/reasoned ?	Yes/No
2. Whether reportable ?	Yes/No