

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-3282-2022 (O&M)

Date of Decision: September 13, 2022

Krishna Devi

...Petitioner

VERSUS

Kewal Krishan (now deceased) through his LRs

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms. Anupam Sharma, Advocate
for the petitioner.

ARCHANA PURI, J.

On the last date of hearing, the case was adjourned on the request, while keeping in view the observation made by learned Rent Controller that the property was let out in the year 2006-07, but however, the date of inception of tenancy was not evident from the eviction petition, which is Annexure P-1.

Today, learned counsel for the petitioner submits that she has not been able to lay hands on any material, to establish that inception of tenancy was prior to the coming into the effect of Punjab Act No.13 of 2012 w.e.f. 30.11.2013.

Challenge in the present revision petition is to the order dated 07.04.2022 (Annexure P-4) passed by learned Rent Controller.

During the pendency of the ejectment petition titled as '*Krishna*

Devi vs. Kewal Krishan (now deceased) through his legal representatives', an application, seeking amendment of the petition, was filed by the petitioner-plaintiff, in pursuance of the implementation of Punjab Rent Act. After the amendment of the aforesaid Act, the petitioner-plaintiff had filed the application for seeking amendment as she wanted to add certain facts in the eviction petition. However, the claim of the petitioner-plaintiff was resisted by the respondent.

In the impugned order aforesaid, a specific observation has been made by learned Rent Controller that in the present case, the property was let out in the year 2006-07 and therefore, keeping in the provisions of Section 3 of Punjab Rent Act, the provisions of amended Act are not applicable to the tenancy of the case in hand.

Today, no material, as such, has come on record, to rebut this observation made by learned Rent Controller, about the tenancy, to have come into existence in the year 2006-07. That being so, it is evident that the tenancy was much prior to the amendment of the Act and consequently, learned Rent Controller has rightly dismissed the application for amendment.

As such, the revision petition sans merit and is hereby dismissed.

September 13, 2022
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No