

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

119

CR No.5361 of 2022

Date of Decision: 21.11.2022

Nirdosh Kumar

...Revisionist-Petitioner

Versus

Geeta Devi

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Amarpreet Singh, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the present revision petition, the petitioner-tenant (for short 'the tenant') has laid challenge to the order dated 13.09.2022 (Annexure P-5) passed by learned Rent Controller, Bathinda, whereby the application (Annexure P-3) moved by the respondent-landlady (for short 'the landlady') under Order 6 Rule 17 read with Section 151 CPC for seeking amendment in the eviction petition, has been allowed.

2. I have heard learned counsel for the petitioner-tenant, at the preliminary stage, in the instant revision petition and have also perused the file carefully.

3. Learned counsel for the tenant contends that initially, the landlady had filed the petition against the tenant under Section 13 of the East Punjab Rent Restriction Act, 1949 (for short 'the Act of 1949') for seeking his ejectment from the demised premises and in his Reply, the

tenant raised the objection qua the maintainability of the petition and then, the landlady moved the afore-said application for seeking amendment in the said petition for treating it as the one under Section 20 of the Punjab Rent Act, 1995 (for short 'the Act of 1995') which has erroneously been allowed vide the impugned order and hence, it deserves to be set-aside.

4. Concededly, the Act of 1995 was in force at the time of filing the above-said petition. Vide the application Annexure P-3, the landlady sought the amendment in the heading of the petition only, to the extent of mentioning the relevant provisions of the Act of 1995 therein, in place of the provisions of the Act of 1949 and the Rent Controller has categorically observed in Para No.8 of the impugned order that the ground taken by the landlady for seeking the ejectment of the tenant is available under the Act of 1995 as well. It being so, it is explicit that the proposed amendment would not change the nature of the said petition and even otherwise, the trial is yet to commence in the same. In these circumstances, this Court is of the considered opinion that the impugned order (Annexure P-5) does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the present revision petition, being sans any merit, stands dismissed.

21.11.2022
neetu

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*