IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

110 **CR-1087-2023**
Date of decision : 17.02.2023

Naresh Kumar

... Petitioner

Versus

Trilok Chand

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Kartik Gupta, Advocate for the petitioner.

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Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 29.01.2020 (Annexure P-6) whereby his application for dismissal of the petition has been declined.

Learned counsel for the petitioner submits that the petitioner had entered into an independent rent agreement with the respondent/landlord on 19.05.2016 and as per the pleadings in the petition, it was a fresh tenancy and therefore, the Punjab Rent Act, 1995 would be applicable. In support of his submissions, he has relied upon the judgment of this Court in the case of **Rajinder Kumar Sharma versus Raj Kumar and another, 2022 (1) RCR (Rent) 580**.

Heard.

It is true that the Punjab Rent Act, 1995 had come into operation on 30.11.2013 and all the rent agreements entered thereafter would be governed by this Act. The father of the petitioner, namely, Ram Lal was inducted as a tenant in the demised premises vide rent note dated 18.01.1995.

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After the death of Ram Lal, the petitioner was in occupation of the shop. Rent note dated 19.05.2016 is stated to be executed between the respondent/landlord and the petitioner is an unregistered one. The petitioner is stated to be in occupation of the premises after the death of his father. The tenancy had been created in favour of the father of the petitioner prior to the enforcement of the Punjab Rent Act, 1995 and the petitioner had remained in occupation of the premises even prior to the enforcement of the Punjab Rent Act, 1995.

There is no denial to the proposition of law laid down by this Court in the case of **Rajinder Kumar Sharma versus Raj Kumar and another (supra)** that the tenancy, which had been commenced after passing of the Punjab Rent Act, 1995, would be determined by this Act. However, in the instant case, the tenancy had commenced prior to enforcement of the Punjab Rent Act, 1995 and would be governed by the East Punjab Urban Rent Restriction Act, 1949.

Furthermore, it is apt to notice that the impugned order (Annexure P-6) declining the application of the petitioner had been passed on 29.01.2020 but the petitioner has preferred the instant petition challenging the same after three years which appears to be a ploy to delay the proceedings.

Consequently, I do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

February 17, 2023
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No

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