

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4689-2019 (O&M)
Date of decision : 28.03.2023

Kashmiri Lal ... Petitioner(s)

Versus

Kulwant Kaur ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Parunjeet Singh, Advocate for the petitioner.

Ms. Mannat Anand, Advocate and
Mr. Raj Sumer Singh, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

The present revision petition has been preferred against the impugned order dated 07.01.2019 whereby the application filed by the tenant-petitioner for dismissal of the rent petition on the ground that the tenancy was created before the coming into force of the Punjab Rent Act, 1995 and hence the petition under Section 24 of the Punjab Rent Act, 1995 was not maintainable and a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 ought to have been filed.

Learned counsel for the tenant-petitioner would contend that the petitioner set up a case that the tenancy was created in the year 2013 and hence the petition under Section 24 of the Punjab Rent Act, 1995 would not

be maintainable. Learned counsel has referred to Section 3 of the Punjab Rent Act, 1995 to contend that the provisions of the Act exempted any premises let out before the commencement of this Act, which is 30.11.2013, and since the tenancy was created w.e.f. 15.11.2013 and hence the petition under Section 24 would not be maintainable.

Ms. Mannat Anand, Advocate has appeared on behalf of the respondent and pointed out that the tenant-petitioner has approached this Court with unclean hands inasmuch as in the memorandum of rent deed dated 05.03.2016 (Annexure P-4) it has wrongly been mentioned in the typed copy that the rent deed was w.e.f. 15.11.2013. Learned counsel, pointing out to the vernacular appended with the petition, would contend that the date from when the rent deed became effective was 05.03.2016. It is further the contention of learned counsel that the rent petition was filed on the basis of a fresh rent deed dated 05.03.2016 and the same does not even refer to the earlier rent deed dated 15.11.2013. Learned counsel would further contend that the said lease deed was entered into after the termination of the earlier lease deed.

Heard.

In the present case the petitioner was inducted as a tenant initially on 15.11.2013 vide lease deed dated 15.11.2013. The said lease deed was for a period of 11 months. Thereafter, a fresh rent agreement was entered into w.e.f. 15.11.2015 yet again for a period of 11 months. On termination of the said lease deed, yet again a fresh lease deed was entered

into between the parties on 05.03.2016 w.e.f. 05.03.2016. The ejectment petition has been filed on the basis of the rent deed dated 05.03.2016. That being so and since there is no reference of the earlier lease deeds in the said memorandum of rent deed, it cannot be said that the provisions of the Punjab Rent Act, 1995 would not be applicable.

In view of the above, I do not find any illegality or infirmity in the impugned order passed by the Rent Controller. The present revision petition, which is wholly devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

Dismissed.

28.03.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO