

Ranjit Kaur

...Petitioner

Versus

Smt. Veena Kumari

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Janak Singh Bhinder, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India seeking quashing of the impugned order dated 16.10.2023 (Annexure P-1) passed by the Ld. Rent Controller, Amritsar whereby application moved by the respondent/landlady for amendment of the headnote of the petition, has been allowed.
2. The brief facts as culled out from the instant petition are that petition for eviction has been filed under Section 13 of the East Punjab Rent Restriction Act, 1949. The petitioner/tenant filed the written reply (Annexure P-3) and thereafter an application (Annexure P-4) was moved by the respondent/landlady under Order 6 Rule 17 CPC for amendment of the headnote of the petition by replacing the same with the words “Application under Section 20 of the Punjab Rent Act, 1995 as amended upto date (Punjab Act No.13 of 2012 w.e.f. 30.11.2013)”.
3. Learned counsel for the petitioner has argued that petitioner has already filed the written reply and thereafter the amendment has been allowed and respondent could only file the fresh petition under Section 20 of the Punjab Rent Act, 1995 and could not get heading of the petition amended.

4. I have heard the learned counsel for the petitioner and have gone through the paper-book.
5. The learned Rent Controller has relied upon the judgment passed by a Coordinate Bench of this Court in ***Rajinder Kumar Sharma Vs. Raj Kumar & another, CR-3382-2019 (O&M) decided on 01.04.2022*** and has held if ejectment petition is filed under Section 13 of the East Punjab Rent Restriction Act, 1949 and the same would be deemed to have been filed under the new Rent Act, 1995. The ground of ejectment are the same. Since new Act has come into operation so maintaining the petition under the earlier Act is only a *bona fide* mistake. Moreover, no prejudice would be caused to the petitioner by the proposed amendment as it is just a change of name of Section and the Act and nothing else.
6. So, keeping in view the above fact, there is no merit in the present revision petition and the same is dismissed in limine.

04.01.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No