



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-3008-2026(O&M)

Date of decision: 07.04.2026

Ashu Gupta

...Petitioner(s)

Vs.

Harjit Singh & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. V.K. Sandhir, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition under Article 227 of the Constitution of India has been filed by the tenant laying challenge to the order dated 17.02.2026 passed by learned Rent Controller, Amritsar whereby application filed by the respondents/landlord under Order 6 Rule 17 read with Section 151 CPC for amendment of ejectment application, has been allowed.

2. It is inter alia submitted by learned counsel for the petitioner-tenant that the learned Rent Controller was in error in allowing the application of the respondents as it failed to appreciate that the petitioner has not even served by a registered cover of summons. Some Vipin Kumar has received the summons on behalf of the petitioner. The summons sent to the petitioner are not in prescribed pro-forma.



3. It is further submitted that the learned Rent Controller vide order dated 17.02.2026, (Impugned Order) allowed the application under Order 6 Rule 17, to amend the petition by including Section 24 with Section 20 of Punjab Rent Act. By allowing the application the amendment has been made without amending the petition and its pleadings. The learned Rent Controller failed to appreciate that the issue of whether the petition under Section 20 was maintainable and it was filed as per the compliance of provision of Punjab Rent Act is yet to be decided. The amendment of inclusion of Section 24 and making the petitioner under Sections 20 & 24 of the Punjab Rent Act is against the provision of Punjab Rent Act.

4. It is further submitted that the learned Rent Controller failed to appreciate that the entire pleadings are as per Section 20 and that too without complying the provisions of Punjab Rent Act. Because it is categorically mentioned that there is no proper service of summons, the summons are alleged to have been served upon someone named Vipin Kumar. There is no registered cover service, personal service. As such the original petition under Section 20 itself is not maintainable, therefore an attempt is made to fit the petition under Section 24.

5. It is further contended that the petitioner has denied the relationship. Thus, the parameter of claiming ejectment on the ground of senior citizen is not available. It is argued that ejectment could only flow if the relationship of landlord and tenant are established between the petitioner and



respondents. As such the amendment to the extent of addition of Section 24 in the headnote, without any pleadings, is completely without any provision of law. Therefore, the impugned order dated 17.02.2026 is liable to be set aside.

6. No other argument is made on behalf of the petitioner. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the petitioner.

7. Brief facts of the case in chronological order are as under:-

18.02.2025: Respondents/landlord had filed Ejectment Petition dated 18.02.2025 (Annexure P1) against the petitioner under Section 20 of the Punjab Rent Act.

03.09.2025: Upon notice, the petitioner had appeared and filed application dated 03.09.2025 (Annexure P2), seeking leave to defend.

09.09.2025: The respondents/landlord had filed reply dated 09.09.2025 (Annexure P3) to the aforesaid application of the petitioner.

19.11.2025: On 19.11.2025, the respondents had moved the instant application under Order 6 Rule 17 read with Section 151 CPC (Annexure P4) for amendment of the Rent Petition (Annexure P1).

05.12.2025: The petitioner had filed reply dated 05.12.2025 (Annexure P5) to the said amendment application of the respondents.

17.02.2026: Vide impugned order dated 17.02.2026, the application for amendment filed by the respondents, has been allowed.



8. It is submitted by learned counsel for the petitioner that the impugned order deserves to be set aside on account of the fact that summons were not properly served upon the petitioner. However, despite Court query learned counsel for the petitioner is unable to make out the relevance of the said factor for the purposes of the decision in the present Revision Petition.

9. Further, a perusal of the case file shows that respondents had filed the Ejectment Petition (Annexure P1) seeking the following relief: -

“PETITION under section 20 of Punjab Rent Act, 1995, seeking ejectment of the respondent from one shop situated on the ground floor of building No.1250/7 min bounded as bazaar on the front side; property of Devinder Singh Giani at the backside; Gate of Harnam Shah Haveli on the left side and the property of Pappu Cloth House on the right side, situated at Urban Circle No.107, Chowk Jai Singh main bazaar, inside Gilwali Gate, Tehsil and District Amritsar, more elaborately shown as red in the site plan attached, and further for grant of any other relief to which the petitioners may be found legally entitled to under the law, equity and justice.”

10. A perusal of the amendment application (Annexure P4) filed by the respondents shows that it has been pleaded therein as follows: -

“2. That inadvertently and on account of a bonafide error it has been wrongly mentioned in the head note of the petition that the present petition has been filed under the provisions of section 20 of the Punjab Rent Act, 1995, whereas in reality such petition has been moved under the provisions of section 20 and 24 of the Punjab Rent Act, 1995.



3. That a bare perusal of the petition shall show that infact the relief claimed for by the applicants/petitioners clearly falls within the preview of section 20 and 24 of the Punjab Rent Act, 1995, but inadvertently and on account of a bonafide typographical error it has been wrongly mentioned that the petition has been filed under the provisions of section 20 of the Punjab Rent Act, 1995. “

11. Clearly therefore, omission on part of the respondents to include Section 24 in the Ejectment Application would appear to be a bona fide typographical error which requires correction for proper adjudication of the matter. It is not denied by Id. counsel for the petitioner that the matter is still at initial stages and issues have not yet been framed. The petitioner has been unable to make out as to what prejudice would be caused to the petitioner in case the said amendment is permitted. Relevant reasonings of the Id. Rent Controller are in Para 3 of the order dated 17.02.2026, which read as follows:

“3. Heard. Record perused. Petitioners through the present application wants to amend the petition as they have wrongly mentioned that present ejectment petition has been filed under Section 20 of the Act, whereas the same was to file under Section 20 and Section 24 of the said Act. That mistake seems to he happened out of inadvertence and is merely clerical and typographical and it does not in any manner change the nature of the present case. The amendment is essential for the determining the real matter in controversy in the suit. Thus, for complete and effective adjudication of the dispute between the parties and to avoid multiplicity of proceedings, the present application is



allowed subject to cost of Rs.1,000- to be paid to the respondent alongwith fresh notice to be served upon respondent regarding the amended ejectment petition, as per provisions of Punjab Rent Act, 1995.”

12. I find no error in the impugned order. Ld. Counsel for the petition has been unable to show any infirmity in the impugned order to this Court. Present Revision Petition accordingly stands **dismissed**.
13. Pending application(s) if any also stand(s) disposed of.

07.04.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No