

CNR No. PBSAB0 001221 2022

RENT-42-2022

Amritdeep Kaur & Others Vs. Vandana

Present: Sh. J.S. Chauhan Advocate for petitioners
Sh. Mukesh Gandhi Advocate for respondent

ORDER:-

Heard upon application under Order VI Rule 17 Civil Procedure Code, 1908 (hereinafter, referred as the C.P.C.) filed by applicants (hereinafter, referred as petitioners) for amendment of petition.

2. It is stated in the application by petitioners that inadvertently the present petition has been filed under Punjab Rent Act, 1995, whereas same is to be filed under Section 13 of the East Punjab Urban Rent Restriction Act, as tenancy pertains to the year 2012. As such, the petitioners want to delete the line “20 to 23 of the Punjab Rent Act 1995” and wants to insert line “under Section 13 of the East Punjab Urban Rent Restriction Act”. Hence, present application.

3. Upon notice, the respondent opposed the said application by filing reply preliminarily on the grounds of maintainability. On merits, it has been submitted that the respondent has filed an application for rejection of petition on the ground that the petitioners have filed the present petition under Section 20 to 23 of the Punjab Rent Act, 1995, whereas the respondent is the tenant of the petitioners since 2010, so the Rent Act is not applicable, therefore, the petitioners have filed the present application for amendment of petition which is not maintainable. It is submitted that the if the present application is allowed then the nature of the rent petition will be changed. Hence, prayer is made for the dismissal of the application.

4. I have heard the learned counsel for the parties and perused the material placed on record.

5. As per the provisions of Order VI Rule 17 C.P.C. amendment can be allowed at any stage, if it is essential for the just decision of the case.

6. In the present case, the petitioners have sought for amending the headnote of the petition by deleting the provisions 20 to 23 of the Punjab Rent Act, 1995, and replace the same with under Section 13 of the East Punjab Rent Restriction Act.

7. Certainly, the changes sought by the petitioners are with regard to the legal provision on the basis of which the eviction of respondent/tenant has been sought by the petitioners/landlord. There is no substantive change in the nature of the petition and only amendment qua the law has been sought. Clearly, no prejudice shall be caused to the respondent if the said amendment is allowed, rather the same should assist this Court in proper adjudication of the case. However, the respondent can certainly be compensated with costs. As such, the present application is allowed in the interest of justice subject to payment of costs of Rs.500/- to be payable to respondent by the petitioners. Application stands disposed of accordingly.

Pronounced in open Court.

Date of Order: 10.08.2023

(Sumit Kumar)
Stenographer Gr-II

(Pavleen Singh)

Rent Controller / Dera Bassi

(UID : PB – 0362)

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Arguments heard. Vide my separate detailed orders of even date, the application under Order VII Rule 11 CPC filed by respondent stands dismissed, while the application under Order VI Rule 17 CPC filed by petitioners stand allowed, subject to payment of cost of Rs.500/- by petitioners to respondent.

Amended petition has already been filed by petitioners. For filing of amended reply, if any, otherwise for consideration on assessment of rent to come up on 13.09.2023.

Pronounced in open Court.

Date of Order: 10.08.2023

(Sumit Kumar)
Stenographer Gr-II

(Pavleen Singh)

Rent Controller / Dera Bassi

(UID : PB – 0362)