

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 2734 of 2015 (O&M)
Date of decision: 24.4.2015

Ram Kumar

.. Petitioner

v.

Smt. Bismilla

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Suresh Kumar Arya, Advocate for the petitioner.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 19.9.2014, passed by the learned court below, whereby defence of the petitioner was struck off in an eviction petition filed by the respondent.

It is a case in which service of the petitioner was effected for 3.3.2014. However, despite service, the petitioner did not appear. He was proceeded against ex-parte. The case was adjourned to 5.4.2014 and thereafter to 20.5.2014, on which date two witnesses of the respondent-landlord were examined. Thereafter, the case was adjourned to 11.7.2014. The order passed on that date records that application for setting aside of ex-parte proceedings was filed, in which notice was issued. On the next date, i.e., 5.8.2014, on 'no objection' given by the counsel for the respondent-landlord, ex-parte proceedings were set aside. The case was adjourned for filing of reply by the petitioner-tenant. Despite two opportunities, when the reply was not filed, defence of the petitioner-tenant was struck off vide order dated 19.9.2014. The aforesaid order has been impugned in the present petition.

The present petition has been filed in this court on 7.4.2015, more than six months after passing of the impugned order.

Admittedly, service of the petitioner was effected for 3.3.2014. Despite the fact that initially he was proceeded against ex-parte and on the statement made by counsel for the respondent, ex-parte proceedings were set aside, reply to the eviction petition was not filed till 19.9.2014, i.e., more than six months thereafter. There is no explanation available as to why the order striking off defence of the petitioner was not challenged for a period of more than six months. The petitioner, being a tenant, the apparent reasons seems to be to delay the proceedings.

For the reasons mentioned above, I do not find that any ground is made out to interfere with the impugned order. The petition is, accordingly, dismissed.

(Rajesh Bindal)
Judge

24.4.2015
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