

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CR No.8215 of 2015(O&M)
Date of decision: 04.12.2015

M/s Max Air Industry

... Petitioner

Versus

Ashok Kumar and another

... Respondents

2. CR No.8216 of 2015(O&M)

Harcharan Singh Dilawari

... Petitioner

Versus

Ashok Kumar and another

... Respondents

3. CR No.8217 of 2015(O&M)

Harcharan Singh Dilawari

... Petitioner

Versus

Ashok Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Gautam Diwan, Advocate for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

This order shall dispose of the revision petitions bearing Civil Revision Nos.8215, 8216 and 6217 of 2015. The facts involved in all the three petitions being similar and the issue arising for consideration being common, the facts are being culled out from Civil Revision No.8215 of 2015.

Vide order being assailed, dated 21.10.2015, rendered by Rent Controller, Chandigarh, the defence of the tenant-petitioner had since been struck off, as despite opportunity granted it failed to file the written statement. No doubt, an analysis of the record shows that the petitioner has been remiss in pursuing its cause, but it shall be equally true that in case it is not granted one effective opportunity to file the written statement, it shall not only suffer an incalculable loss, but that might also result in miscarriage of justice. As regards the inconvenience and the delay caused, respondents could always be compensated by awarding suitable costs. Particularly, when respondents are yet to commence their evidence and the matter is listed for 15.12.2015.

That being so, the order dated 21.10.2015 is set aside, without issuance of any formal notice to the respondents to avert any further delay and expenses that they shall have to incur to defend these proceedings, in the following terms:

- i) Petitioner is granted one opportunity to file its written statement on the date already fixed before the Rent Controller i.e. 15.12.2015;
- ii) In the event, petitioner fails to file its written statement on the said date i.e. 15.12.2015, its defence shall be

deemed to have been struck off and no further opportunity shall be granted;

iii) This, however, shall be subject to payment of costs of ₹ 3,000/- in each of these revision petitions.

The revision petitions are, accordingly, disposed of.

December 4, 2015
Rajan

(Arun Palli)
Judge