

CR No.361 of 2016

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.361 of 2016

Date of Decision: February 11, 2016

Vikas Walia & another

...Petitioners

Versus

K.R. Kakar & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Anil K. Sagar, Advocate
for the petitioners.

Mr. K.R. Kakar and Mr. Rajneesh Chadha,
respondents in person.

AUGUSTINE GEORGE MASIH, J. (Oral):

Challenge in this petition is to the order dated 02.12.2015, whereby, the defence of the respondents (petitioners herein) has been struck off because of non-filing of the written statement within the stipulated period of 90 days.

Having heard the counsel for the petitioners who has asserted that the written statement could not be filed because of the ill-health of the mother of petitioner No.1 to whom he was attending and therefore, could not contact the counsel for filing the written statement to the eviction petition and there was no intentional delay in filing the written statement nor do the petitioners want to delay the proceedings before the Rent Controller. He undertakes that there would be no effort on the part of the petitioners to delay the

proceedings before the Rent Controller and he undertakes to deposit the rent from the month of October, 2015 till date before the Rent Controller on 17.02.2016 when the case is listed for hearing before the Rent Controller (as the respondents present in Court have stated that the rent has not been deposited since October, 2015). He asserts that three effective opportunities may be granted to the petitioners after the filing of the written statement at the stage when the case is ripe to lead their evidence.

Respondents who are present in Court in person have also been heard.

On considering the factum that the written statement could not be filed because of ill-health of mother of petitioner No.1 and keeping in view the undertaking given by the counsel for the petitioners which has been recorded above, the present petition is disposed of as follows:-

- (i) The petitioners shall be bound by the statement given by their counsel today.
- (ii) In case, the petitioners deposit the due rent from October, 2015 till date on 17.02.2016, the date fixed before the Rent Controller and file their written statement alongwith ₹10,000/- as costs, to be paid to the respondent-landlords, the order dated 02.12.2015 shall not operate to their prejudice, failing which, the order dated 02.12.2015 shall stand confirmed.

(iii) Petitioners shall not delay the proceedings before the Rent Controller and if the Rent Controller concludes that there is any such attempt to delay, he shall pass appropriate orders.

(iv) Petitioners be granted not more than three effective opportunities to lead their evidence as undertaken.

February 11, 2016

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**