

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

**Civil Misc. No.247-CII of 2017 in/and**  
**Civil Revision No.124 of 2017**  
**Date of decision: 13.01.2017**

Harinder Singh

**...Petitioner**

**Versus**

Ved Parkash and others

**...Respondents**

**CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA**

Present: Mr. Karan Garg, Advocate for the petitioner.

\*\*\*

**G.S.SANDHAWALIA, J. (Oral)**

**Civil Misc. No.247-CII of 2017**

Prayer made in the present Civil Misc. Application for granting exemption from filing certified/typed/more legible copy of Annexure P/1 and further exemption from filing typed/more legible copies of Annexures P/2 and P/3 are allowed subject to just exceptions.

The Civil Misc. Application stands disposed of accordingly.

**Civil Revision No.124 of 2017**

The petitioner-tenant challenges order dated 28.11.2016 whereby his defence had been struck off on account of the fact that last and final opportunity had been given subject to payment of costs of ₹ 1000/- due to non filing of the written statement and costs not being paid the said order was passed.

The plea taken by the petitioner herein is that the written statement had been filed on 28.11.2016 and the same had been taken on the file but inadvertently was not taken note of. He has placed reliance upon the certified copy of the written statement (Annexure P/3) in respect of the said fact which is duly supported by his affidavit also of the even date.

Keeping in view the above facts and circumstances of this case, this Court is of the opinion that there is no requirement of issuing notice to the respondents as it will unnecessarily entail unnecessary expenses and

delay the matter. However, it is open to the respondents to file an appropriate application for recalling of the order in case there is any concealment of fact.

After hearing counsel for the petitioner and considering the fact that the case pertains to eviction proceedings this Court is of the opinion that in case the written statement is already on record of the file, an application can be moved before the Rent Controller, Ludhiana bringing the said fact to the notice of the said Court. If any such application is filed, it would be open to the Court to consider whether the impugned order in question is justified in such circumstances.

However, it is also apparent that costs of ₹ 1000/- was not paid and therefore, the written statement should not have been taken on record. But the fact remains that rules of procedure are handmaids of justice and if the petitioner had not paid the costs, this Court is of the opinion that he would be liable to pay an additional sum of ₹ 1000/- as costs on the next date of hearing to the opposite side. Accordingly, if the total costs of ₹ 2000/- is tendered by the petitioner on the next date, the Rent Controller, Ludhiana will thereafter entertain the application whether the impugned order is to be recalled or not.

With the aforesaid observations, the present revision is disposed of.

**January 13, 2017**  
**Pka**

**(G.S.SANDHAWALIA)**  
**Judge**

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No