

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

**Civil Revision No. 1910 of 2017 (O&M)
Date of Decision: 17.03.2017**

Parminder Singh

... Petitioner

vs.

Harjit Singh

... Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. V.K. Sandhir, Advocate
for the petitioner.**

ANITA CHAUDHRY, J.

The petitioner-tenant is aggrieved of the order dated 03.11.2016 passed by the Rent Controller vide which the eviction petition dismissed in default on 08.08.2013 has been ordered to be restored. A challenge has also been laid to the judgment dated 17.01.2017 passed by the Addl. District Judge, Amritsar, dismissing the appeal filed by the petitioner against the order dated 03.11.2016.

The petition was fixed for 13.05.2013 and since the Presiding Officer was on leave, file was taken up early and matter was adjourned to 08.08.2013. The respondent-landlord had claimed wrong noting of date as 18.10.2013. The restoration application was filed on 22.11.2013. It was a petition for eviction on the ground of non-payment of rent and breach of conditions of rent note and the respondent would not gain anything by not appearing before the Court or by delaying the proceedings. It was not shown whether the respondent had committed default earlier. His presence was not

necessary. But he cannot be made to suffer on account of absence of his counsel. The lis is required to be decided on merits and not on technicalities. The Courts below on the basis of evidence came to the conclusion that the absence was unintentional and ordered restoration.

Petition is dismissed in limine.

17.03.2017

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(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No