

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

C.R. No. 2047 of 2017 (O & M)

Date of decision: 21.03.2017

Raj Dhindsa @ Raja

....Petitioner(s)

Versus

Ranjit Singh

...Respondent(s)

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

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

G.S.SANDHAWALIA, J. (Oral)

The petitioner-tenant challenges the order dated 06.01.2017 (Annexure P-3) whereby on account of non-payment of costs, the defence of the tenant was struck off.

Counsel for the petitioner submits that eviction is sought on the ground of bona fide requirement and non-payment of rent. He further submits that thereafter also, an application for amendment of the eviction petition has been allowed whereby, the mandatory ingredients have been incorporated in the petition on 27.02.2017 and, therefore, submits that he should be given a chance subject to payment of costs.

Notice of motion.

Mr. L.M. Gulati, Advocate accepts notice on behalf of the respondent and has filed his Memorandum of Appearance.

Keeping in view the above and keeping in mind the principles that the rules of procedure are handmaids to justice and that prejudice would be caused to the petitioner-tenant as a mere formality as such would have to

be observed and eviction would but follow.

Accordingly, the present revision petition is allowed. The order dated 06.01.2017 (Annexure P-3) is set aside. However, costs of ₹15,000/- are imposed on the petitioner-tenant for delaying the proceedings unnecessarily and dragging the landlord to this Court. Liberty is granted to the petitioner to file reply to the amended petition within a period of 2 weeks from today subject to payment of costs to the respondents.

21.03.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No