

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 2975 of 2017 (O&M)
Date of decision: 01.09.2017.

JOGINDER GERA AND ANR

...Petitioners

versus

RAMAN KHURANA

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present : Mr. Gaurav Gaur, Advocate for
Mr. Ravi Dutt Sharma, Advocate
for the petitioners.

Mr. Sanjeev Kumar, Advocate
for the respondent.

RAJIV NARAIN RAINA, J. (ORAL)

Proxy counsel appears for the counsel for the petitioners
and prays for a date, which he must get, but, at the cost of the previous
order.

On 01.08.2017, I had passed the following order:

*“After obtaining the stay order, the counsel for the
petitioner has not appeared on 25.05.2017. The petitioners
have been subjected twice to costs by the Rent Controller
as noticed in the interim order of the Coordinate Bench
dated 27.04.2017. If there is no appearance on behalf of
the petitioners on the next date of hearing, the petition will
be deemed to be dismissed and the stay order automatically
vacated. In this case, it would not be the duty of the office
to notify the next date of hearing to the counsel, which will*

be entirely the responsibility of the petitioners and their counsel.

List on 01.09.2017. “

The order dated 27.04.2017 passed by the Coordinate Bench of this Court is as follows:

“Inter alia contends that on 02.12.2016 (Annexure P-21), the case had been fixed for cross-examination of Sanjay Kumar-PW1, the son of the respondent-landlady for whom the bonafide requirement has been set up. He was not present on the said date and, accordingly, costs of Rs.200/- were levied on the landlady. The said order was misread on 10.01.2017 (Annexure P-2) to the extent that the costs was to be paid by the tenant and had not been paid. Thereafter, it has further been observed that the counsel has not put in appearance purposely and cross-examination was treated as 'Nil' on 10.01.2017. Subsequently, an application was filed, which has now been dismissed on 03.04.2017 (Annexure P-1) on the ground that absence on account of the fact that the counsel was busy in another Court is not a ground for adjournment and further costs of Rs. 500/- have been imposed. It is, accordingly, submitted that the said witness is a material witness and on account of the fault of the Court as such, the party should not be prejudiced.

Notice of motion for 25.05.2017.

Dasti also.

In the meantime, operation of the impugned orders dated 10.01.2017 (Annexure P-2) and 03.04.2017 (Annexure P-1) shall remain stayed.

The Rent Controller shall also not pass the final order.

It is made clear that if service is not effected by the next date of hearing, then the stay granted will be liable to be vacated.”

The tenants being the petitioners and profiting from the continuance of stay order has asked his friend to request for an adjournment stating that arguing counsel is not available. This statement is made very casually even in the face of the previous order and by the momentum it has caused and resulted in, this file is closed *per fore* of previous order.

The present petition stands dismissed.

Registry is directed not to entertain any application in this case.

(RAJIV NARAIN RAINA)
JUDGE

September 1, 2017

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Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO

Present: Mr. , Advocate for the appellants.

(RAJIV NARAIN RAINA)
JUDGE

01.09.2017
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