

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No. 3326 of 2017 (O & M)

Date of decision: 25.05.2017

MeenuPetitioner(s)

Versus

Harpal Kaur ...Respondent(s)

AND

C.R. No. 3334 of 2017 (O & M)

MeenuPetitioner(s)

Versus

Harpal Kaur ...Respondent(s)

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

Present: Mr. Arnav Sood, Advocate,
for the petitioner.

Mr. Munish Gupta, Advocate,
for the respondent.

G.S.SANDHAWALIA, J. (Oral)

The present order shall dispose of two civil revision petitions
i.e. C.R. Nos. 3326 and 3334 of 2017, as common questions of facts and law
are involved in both the petitions. For reference, ***C.R. No. 3326 of 2017,***
Meenu vs. Harpal Kaur is being taken up.

The petitioner-tenant challenges the order dated 17.04.2017
whereby, the Rent Controller, Garhshankar foreclosed her right to file
written statement and struck off the defence and put the case for evidence of
the petitioner.

While issuing notice of motion on 10.05.2017, the following order was passed after noting the contention of the counsel for the petitioner:-

“Inter-alia submits that the appearance was put on 3.1.2017 and time was taken for filing written statement i.e. 6.2.2017 and 18.3.2017. Another opportunity for 17.4.2017 for filing written statement was granted subject to payment of costs of ₹ 100/-. Thereafter, order dated 17.4.2017 has been passed. It is accordingly contended that the petitioner-tenant would be prejudiced in case the orders dated 17.4.2017 are allowed to sustain as eviction would necessarily follow. It is further submitted that the other side can be suitably compensated by payment of costs.

Notice of motion for 25.5.2017.

In the meantime, operation of the impugned orders are stayed subject to further orders in both the petitions.

The petitioner-tenant shall be permitted to file written statement in both the cases on the next date of hearing i.e. on 18.5.2017 subject to payment of costs of ₹ 2500/- in each case which are to be paid to the respondent-landlord.

The service be effected by way of dasti process only.

It is made clear that in case the costs are not paid on the next date of hearing and written statements are not filed and service is not effected for the date fixed, interim order shall automatically stand vacated.

A photocopy of this order be placed on record of connected case file.”

Mr. Munish Gupta, Advocate has put in appearance on behalf

of the respondent landlady and submits that the order has been complied

with to the effect that costs of ₹2,500/- in each case have been paid and the written statements have been filed. He further submits that on account of the lapse on the part of the tenant, the respondent-landlady has been put to unnecessary burden to bear the costs of defending this uncalled litigation.

Accordingly, the both the revision petitions are allowed subject to additional costs of ₹2,500/- in each case, to be paid to the respondent-landlady and the order dated 17.04.2017 is set aside.

25.05.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No