

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

**Civil Revision No.6746 of 2014 (O&M)
Decided on : 14.02.2017**

Naresh Kumar

... Petitioner

Versus

Surinder Singh

... Respondent

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

Present : Mr. Sandeep Kumar, Advocate for the petitioner.

Mr. S.S. Sodhi, Advocate for the respondent.

G.S. Sandhawal, J. (Oral)

The tenant challenges the order dated 28.05.2014 passed by the Rent Controller, Ludhiana (Annexure P-4) vide which his application under Section 9 Rule 7 CPC read with Section 151 CPC for setting aside the ex parte proceedings was dismissed on the ground that on an earlier occasion also an application had been filed for setting aside the ex parte proceedings, but the written statement had not been filed and, therefore, the tenant was delaying the proceedings.

The conduct of the tenant was, thus, not appreciated and eventually the application for setting aside the ex parte order dated 06.11.2013 was dismissed. However, the tenant was given opportunity to join the proceedings from the date of filing of the application which was 01.05.2014 and also allowed to cross-examine the witnesses which were to be produced on behalf of the landlord.

While issuing notice of motion on 14.10.2014, it had been directed that since the eviction was sought on the ground of arrears of rent and on the ground of bonafide requirement, the tenant would get a draft for

the arrears of rent to test his bonafide that a wrong date had been noted.

Resultantly, the drafts of ₹65,800/- and ₹8,400/- had been produced which expired and thereafter were revalidated by the tenant and now have been received as arrears on behalf of the landlord on 17.10.2016.

In such circumstances,once the landlord's interest has been protected, this Court is of the opinion that the order dated 28.05.2014 (Annexure P-4) is not justified and the tenant would be permitted to file the written statement. However, the interim directions which were also issued whereby the tenant was directed to continue to paying the rent by 7th of each month will continue till the pendency of the eviction petition to put the tenant on terms and to protect the landlord from filing separate petition for arrears of rent.

Since the matter had been stayed by this Court, it would be appropriate if the Rent Controller decides the same by 31.12.2017.

With the abovesaid observations, the present revision petition is allowed.

FEBRUARY 14, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No