

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 7819 of 2017 (O&M)

Date of decision: 02.12.2017

Vijay Kochar

...Petitioner

Vs.

Parkash Ram @ Ram Parkash (deceased thru. LRs and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None.

RAJIV NARAIN RAINA, J. (ORAL)

1. This petition is directed against the order of the Rent Controller/Additional Civil Judge, Senior Division, Jalandhar dated 03.05.2013 dismissing the application filed under Order 9 rule 13 of the CPC and declining to interfere with the ex parte eviction order on the finding that summons were duly served upon the applicant-respondent.

2. This matter has come up for the first time for hearing about four and a half years and the petition is accompanied by an application seeking condonation of the delay of 1553 days in filing the petition under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949. There is also tied with the petition an application filed under Order 22 Rule 3 read with Section 151 CPC for impleading the LRs of late Ram Parkash/respondent No.1 as party to the petition. No one appears for the petitioner. Nor is a pass over sought. Therefore, perused the papers for final disposal.

3. The reason for such enormous delay has been explained as a result of a communication gap between the applicant and his counsel. It has also been mentioned that the judgment and the decree dated 26.03.2015 has been passed against the respondents qua the partition of property in question and now they have ceased to be owners. This may be, but, I have not found the explanation as sufficient cause or genuine ground for condoning the delay and in not approaching the Court in time all these years. The communication gap is far too wide to be justified by the reason given.

4. The petition is accordingly dismissed. So are the applications.

[RAJIV NARAIN RAINA]
JUDGE

02.12.2017

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Whether speaking/reasoned: Yes

Whether Reportable: No