

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 13.11.2017****CR No.7826 of 2017**

The Citizen Urban Co-operative Bank Ltd. ...Petitioner

Vs.

Dr. Virender Gupta ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sudhir Paruthi, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

This petition has been filed against an interlocutory order by which the Rent Controller, Jalandhar has barred the petitioner – Bank from filing amended written statement.

Mr. Paruthi draws attention of the Court to the *zimni* orders passed on 31.05.2017 and 21.07.2017 by the Controller. The revision petition filed by the Bank against the order passed by the Rent Controller allowing application under Order 6 Rule 17 has been dismissed by this Court affirming the order and that is how the amended written statement was permitted to be filed.

The Rent Controller gave a week to file the written statement to the Bank and adjourned the case to 27.07.2017. The amended written statement was not filed by the Bank on the date and the case was adjourned to 01.08.2017, when the impugned order was passed with copy at Annex. P-3.

Having heard Mr. Paruthi on the correctness of the order of passed in a somewhat of a hurry, I find that it could have been passed more appropriately by exercising other options available, such as, granting last

opportunity or by imposing costs upon the Bank and offering one short adjournment.

In my considered view the Rent Controller, Jalandhar should not have hastily passed the impugned order dated 01.08.2017 shutting out the defence of the bank in an eviction petition which cause prejudice to the defence of the bank. This course will entail clear possibility of uncontested ejectment in case the amended written statement is not taken on record and considered. If the order is allowed to stand, it may result in grave miscarriage of justice and prejudice to the bank, therefore, in order to avoid such a situation prevailing, while allowing the petition, the order dated 01.08.2017 is set aside subject to payment of costs of ₹10,000/-, which will be paid to the opposite side before the Rent Controller by the petitioner on the next date of hearing to compensate opposite party for loss of time occasioned in conclusion of the case. The proceedings are at an initial stage.

The petitioner – Bank would now put in its amended written statement on 15.11.2017 i.e. the next date of hearing before the Rent Controller, Jalandhar. After accepting the amended written statement on record, the Rent Controller would proceed to frame issues, if felt necessary, and invite evidence from the parties and mature the case for final disposal as soon as possible.

13.11.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>