

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

CR 7991/2017

Date of decision:15.11.2017

Shanai Devi

.....Petitioner

v.

Joginder Singh

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr. BR Rana-I,Advocate for the petitioner/tenant

Jaswant Singh,J,(Oral).

Petitioner/tenant is aggrieved by the order dated 10.8.2017 (P3) passed by learned Rent Controller, Ludhiana whereby in an eviction application filed by the respondent/landlord, her defence has been struck off as she neither filed written statement within stipulated time nor paid the costs of Rs.2000/- as directed by the learned Rent Controller earlier.

It is submitted that due to her ill health on 10.8.2017 the date fixed, the petitioner could neither appear nor pay the costs, as directed by the Court.

Prayer is for grant of one last opportunity, in the interest of justice, to file written statement and deposit the costs imposed. It is further submitted that for grant of one last opportunity, petitioner is ready and willing to pay further costs, as determined by this Court.

After hearing the learned counsel for the petitioner I find that although there is no legal infirmity in the impugned order,

however, keeping in view the interest of justice, it is deemed expedient to grant one opportunity to the petitioner to file written statement and deposit costs, as imposed by the learned Rent Controller.

Accordingly, the revision petition is allowed, impugned order 10.8.2017 (P-3) is set aside and petitioner is granted one last opportunity to file her written statement and pay the costs as imposed by the Rent Controller, Ludhiana.

This, shall, however, be subject to payment of further costs of Rs.2000/- to the respondent/landlord, which shall be over and above the costs as already ordered by the learned Rent Controller, Ludhiana, meaning thereby that now the petitioner shall pay total costs of Rs.4000/- to respondent by way of demand draft.

This order has been passed without issuing notice to the respondent to avoid further delay in the matter and to save him from unnecessary litigation expenses. Moreover, he has been adequately compensated by way of payment of costs. However, if the respondent is still aggrieved by this order, he would be at liberty to seek recalling of the same.

15.11.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No