

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

Civil Revision No.8807 of 2016 (O&M)

Date of decision: 12.01.2017

Baby Bala

...Petitioner

Versus

Rajinder Pal Gupta and others

...Respondents

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

Present: Mr. Rajesh Gupta, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The present revision petition has been filed against the order dated 27.9.2016 whereby the Rent Controller, Ludhiana has rejected the application for setting aside the *exparte* eviction order dated 16.5.2012.

The reasoning given in the impugned order was that the application had been filed after more than 1-1/2 years on 3.3.2014 and keeping in view the fact that the limitation was 30 days from the date of knowledge and nothing had been averred as to how the petitioner/applicant came to know regarding the *exparte* decree. The applicant was not a party in the Rent Petition and therefore she had not explained in what capacity she had filed the application.

A perusal of the paper-book would go on to show that the respondent filed the ejectment petition on 07.08.2002 of the property which is situated on Sangla Shivala Road, Ludhiana as shown red in the site plan against Ram Swaroop, the father of the petitioner. The petitioner who is the married daughter was not a respondent in the said ejectment petition. On account of his death, his legal heirs Ashwani Kumar and Sushil Kumar had

been impleaded. The ground taken was that there was non payment of rent from 1998 and the tenant had ceased to occupy the premises for the last ten years due to which the property had become totally unfit and unsafe for human habitation and was in a very dilapidated condition. The legal representatives of Ram Swaroop being relatives of the petitioner were served through RC (registered covers) and UPC but none had appeared to contest the petition. Resultantly, the ejectment had been ordered *exparte*.

It is apparent that the present application has thus been filed at the instance of married daughter only to delay the handing over the premises in question. The finding which have been recorded by the Rent Controller while passing the impugned order does not suffer from any infirmity or illegality. The petitioner had not specifically explained as and when it came to her knowledge that the *exparte* order had been passed. The other legal representatives had been duly served and they had not chosen to contest the petition. It is thus apparent that it is an attempt to deny the fruits of litigation to the respondents and on the face of it, it is a misconceived and mischievous litigation.

Accordingly, the present revision is dismissed in limine.

January 12, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No