

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

**C.M. No. 10685-CII of 2017 in/and
C.R. No. 8625 of 2014 (O & M)
Date of decision: 17.05.2017**

Gurmit

....Petitioner(s)

Versus

Gurnam Singh

...Respondent(s)

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

Present: Mr. S.S. Siao, Advocate,
for the applicant-petitioner.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 10685-CII of 2017 has been filed for restoration of the main revision petition which was dismissed for want of prosecution on 27.04.2017 after having been called twice.

Notice in the application.

Mr. C.S. Sharma, Advocate accepts notice on behalf of the respondent.

A perusal of the order dated 27.04.2017 would go on to show that the case was called twice and there was no representation and accordingly, the said order was passed. It was also noticed that on an earlier occasion also, there was no appearance. The application is allowed and the main case is restored to its original number and the same is taken up today itself.

The order impugned is dated 01.03.2014 (Annexure P-1) whereby, the defence was struck off on account of non-filing of the written statement by the petitioner-tenant who had put in appearance on 23.03.2013, a year earlier. No challenge was raised to the said order within the

prescribed period of limitation. It is interesting to note that thereafter, an application was filed for recalling of the said order before the Trial Court on 19.05.2014. The application was not prosecuted as there was no appearance before the Trial Court on 20.10.2014. Thereafter, the case was fixed for the landlord's ex parte evidence and only thereafter, the present revision petition was filed in December, 2014.

The above sequence of events would go on to show that it is only an attempt as such to delay the proceedings before the Rent Controller in the petition filed in the year 2011. The eviction has been sought on the grounds of non-payment of rent and apparently to avoid provisional assessment, dilatory tactics have been adopted.

No ground is made out to interfere in the impugned order both on the grounds of limitation and in view of the above facts and the main revision petition stands dismissed accordingly.

17.05.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No