

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

Civil Revision No.1908 of 2018 (O&M)

Date of Decision: March 23, 2018

J.B.Singh (Jugbinder Singh)

...Petitioner

Versus

Labh Singh

...Respondent

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Nachhatter Singh Bains, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

This revision has been filed impugning the order dated 02.02.2018 passed by Ld. Rent Controller, Chandigarh, declining the request of the petitioner to adjourn the matter for filing of written statement on behalf of the petitioner and striking off the defence of the petitioner.

Learned counsel contends that the respondent-landlord has filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 against the petitioner-tenant on the ground of non-payment of rent. The petitioner appeared in court through counsel and Memo of Appearance was placed on record on 06.09.2017 when the case was adjourned to 20.10.2017. However, 20.10.2017 was declared holiday and the case was taken up on 21.10.2017, when it was adjourned to 19.12.2017. As the petitioner was not well on 19.12.2017, his Power of Attorney could not be filed and the case was adjourned to 12.01.2018. Unfortunately, on 12.01.2018, the District Bar Association suspended work due to sad demise

of a Member of the Bar and the case was adjourned to 02.02.2018, on which day the *Vakalatnama* on behalf of the petitioner was filed and adjournment was requested to file written statement. The prayer was declined and the defence of the petitioner was ordered to be struck off..

Ld. Counsel for the petitioner states that there was no deliberate delay in filing the written statement. The written statement could not be filed because of the reasons explained above. Moreover a copy of the plaint and connected documents were not supplied to the petitioner despite repeated requests. The petitioner finally obtained copy of the plaint and the documents only on inspection on 15.03.2018. He states that the petitioner would suffer irreparable loss, if he is not allowed to file written statement.

Considering the facts and circumstances of the case, without going into the merits of the case, this revision petition is allowed. The impugned order dated 02.02.2018 is set aside. The petitioner is given one opportunity to file written statement.

The revision petition has been disposed of without notice to the respondent to avoid unnecessary delay and expenses. However, if the respondent has any grievance , he is at liberty to approach this Court for re-calling this order.

March 23, 2018

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No