

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

C.R.No. 5599 of 2018

Date of Decision: August 29, 2018

Charanjit Kumar

....Petitioner

Versus

Krishan Gopal

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Sunny K.Singla, Advocate
for the petitioner.

Rajan Gupta, J (Oral)

Petitioner, who is a tenant, filed application under Order 9 Rule 7 and Order 9 Rule 13 CPC for setting aside ex-parte decree dated 30.1.2015 directing his eviction from the premises. Application came up for hearing before Rent Controller on 6.2.2018. However, same was dismissed in default. Stand of the petitioner is that as restoration application is still pending, he moved an application for stay of eviction during the pendency of appeal for restoration. Plea has been rejected by the court below.

Present petition is disposed of with the direction that in case application for restoration under Order 9 Rule 13 CPC is pending before the court below, same be decided expeditiously in any case not later than 3 months. Petitioner may not be evicted from the premises till then. This court is conscious of the fact that revision petition has been decided without notice to the respondent. However, as direction has been given to the court below to decide the application for restoration expeditiously, this court does not find necessity for the same.

**(Rajan Gupta)
Judge**

August 29, 2018

BB

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No