

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CR-5783-2017 (O&M)

Date of Decision : 30.10.2018

Satpal Singh

..... Petitioner

Versus

Smt. Kamal Periwal

.... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

Mr. Aarav Gupta, Advocate
for the respondent.

AJAY TEWARI, J. (ORAL)

This petition has been filed against the orders dated 23.11.2016 and 12.07.2017 passed by the Rent Controller closing the defense of the petitioner on the ground that he did not file the written statement within the stipulated time.

Brief facts of the case are that a petition for eviction was filed in the year 2014 by the respondent. After all attempts to serve the petitioner he was proceeded against ex-parte in May, 2015. The next year the petitioner filed an application for setting aside the ex-parte proceedings which was allowed since no objection was raised by the counsel for the respondent-landlord. Even thereafter the written statement was not filed for

3½ months which led to the impugned order dated 23.11.2016. After that

order very interestingly the application for recalling of the order dated 23.11.2016 was filed in which also almost 8 months time elapsed and ultimately that application was also dismissed on 12.07.2017. The upshot is that 4 years after filing the petition the landlord is still on ground zero.

Counsel for the petitioner states that the written statement could not be filed since the only son of the petitioner-tenant was ill.

Though there is no justification for not filing the written statement yet at the persistent request of the counsel for the petitioner and in the face of stiff opposition by the counsel for the respondent, I deem it appropriate to allow the petitioner to file written statement on whichever next date fixed before the Rent Controller subject to payment of costs of Rs.1 lakh. Ordered accordingly.

Petition stands allowed in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

October 30, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No