

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

Civil Revision No.6219 of 2018 (O&M)

Date of Decision: September 17, 2018

Pawan Kumar

...Petitioner

Versus

Kavita and others

...Respondents

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

Present: Mr.Sanjay Jain, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

The tenant – petitioner has filed the present revision impugning the order dated 27.7.2018 of the Ld. Rent Controller, Ambala, whereby, his application filed under Order 9 Rule 13 CPC for setting aside the order dated 25.3.2016 for proceeding against him exparte and the judgment and decree dated 29.8.2016, has been dismissed.

The landlord – respondents had filed an eviction petition against the petitioner under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973, in which the impugned orders were passed.

The case of the petitioner was that he neither received any summons nor refused to receive any summons issued by the Court and, hence, the exparte order against him was not valid. The Ld. Court, however, did not agree with his contention. It was noticed that the Rent Petition was filed on 28.10.2015 and notice was issued to the petitioner for 4.1.2016, which was received back unserved with the report that on enquiry it had been found that the petitioner was not residing there. Thereafter, fresh notice was issued for 18.2.2016, which was received back with the report

that the house was found locked. Then, notice was again issued to the petitioner to be effected through *Munadi* for 25.3.2016, which was received back served. The *Munadi* was effected on 11.03.2016. Besides, it was reported that the house is locked since long and the notice was duly pasted at conspicuous part of the house. It was only thereafter, that the Ld. Rent Controller passed the order dated 25.3.2016, to proceed exparte against the petitioner.

The exparte evidence was led and finally the exparte judgment and decree dated 29.8.2016 was passed. The Ld. Court noted that the final judgment and decree was passed five months after the petitioner had been ordered to be proceeded against exparte. It was further noted that in execution of the decree of the Ld. Rent Controller, the possession was taken by the respondent on 10.1.2017, whereas, the application under Order 9 Rule 13 for setting aside the exparte judgment and decree was filed on 31.1.2017 i.e. after more than 20 days of the execution of the warrants of possession. In view thereof, the Ld. Court found that no reasonable ground for non-appearance of the petitioner had been shown and the application was dismissed.

Having heard Ld. Counsel for the petitioner, I find that the impugned order is well-reasoned and does not call for interference.

Petition is dismissed.

September 17, 2018

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(**HARINDER SINGH SIDHU**)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No