

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

CR No.6667 of 2017 (O&M)

Date of decision : 12.09.2018

Vinod Gupta

...Petitioner

Versus

Santosh Kumar Jain

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vineet Chaudhary, Advocate for the petitioner.

Mr. Narinder Pal Bhardwaj, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Under Section 13-A of the Haryana Urban (Control of Rent and Eviction) Act, 1973, special procedure for disposal of the application in certain cases has been prescribed. If such a petition is presented, the summons are required to be sent on a form which is prescribed in the Schedule.

As per the prescribed form, the tenant is to appear and file an application within 15 days of service of summons. In the present case, counsel for the petitioner-landlord submits that the application for leave to defend was not filed within a period of 15 days.

Learned counsel has also drawn attention of the Court wherein such objection was taken but the learned Rent Controller while passing the impugned order has failed to deal with the same.

On the other hand, learned counsel for the respondent-tenant has tried to point out that the summons as sent were not in a proper form as per the schedule.

Since, the learned Rent Controller has neither examined the aspect of delay nor examined whether the summons which were sent were as per the procedure prescribed, therefore, it is considered appropriate to set aside the order passed by the Rent Controller and remit the matter back to him to re-decide the application for leave to defend.

In view of the above, the present revision petition is disposed of.

It has been brought to the notice of this Court that the next date before the Rent Controller is 28.09.2018.

Let the order be passed by the Rent Controller within a period of two months from the next date of the hearing fixed before the Rent Controller.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

12.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No