

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

C.R No. 6750 of 2018(O&M)

Date of decision :05.10.2018

Anil

..... Petitioner

Versus

Pawan Kumar etc.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Sunil Kumar, Advocate
for the petitioner.

LISA GILL,J

The petitioner is the tenant-respondent before the learned Rent Controller in a petition under Section 13 of the East Punjab Urban Rent Restriction Act, filed by the respondents in the present petition.

Learned counsel for the petitioner submits that vide impugned order dated 27.02.2018 (Annexure P-1), passed by the learned Rent Controller, Chandigarh, defence of the petitioner was struck off on the ground that despite opportunity, written statement was not filed. The petitioner-tenant was proceeded against *ex parte* vide the impugned order. An application for setting aside the *ex parte* order as well as permitting the present petitioner to file the written statement by recalling order dated 27.02.2018 was moved.

It is further submitted that vide order dated 14.05.2018 (Annexure P-3), *ex parte* order dated 27.02.2018 was set aside subject to payment of ₹500/- as costs. Relevant part of order dated 14.05.2018 reads as under:-

“Heard. Keeping in view the no objection given by

ld.counsel for petitioner and since the case is at initial stage and no prejudice is going to be caused to either of the parties, in the interest of justice, the application in hand stands allowed and exparte order dt.27.02.2018 passed against respondent is set aside subject to payment of ₹500/- as costs to be deposited in DLSA by respondent.”

The cost imposed was deposited. Written statement of the petitioner was however not taken on record. The petitioner then moved an application dated 20.07.2018 (Annexure P-4) for placing on record the written statement, especially in view of order dated 14.05.2018. Reply thereto was filed by the respondent-landlord and the matter is stated to be pending for 27.10.2018 before the learned Rent Controller, Chandigarh.

Entire provisional rent, it is submitted has since been deposited by the petitioner. It is contended that once order dated 27.02.2018, has been recalled, there is no question of not accepting the written statement filed by the petitioner. Serious prejudice shall be caused, in case, the order regarding defence of the petitioner being struck off is allowed to stand in isolation.

Heard.

It is not denied that the subsequent application filed by the petitioner for placing on record the written statement is pending before the learned Rent Controller for 27.10.2018. At this stage, no ground is made out for any interference in exercise of revisional jurisdiction.

Needless to say, it is open to the petitioner to bring all the facts before the learned Rent Controller, Chandigarh on 27.10.2018 and take up all the pleas as raised in this petition before the learned Rent

Controller, Chandigarh, which shall be considered by the learned Rent
Controller, Chandigarh, in accordance with law.

Petition is accordingly disposed of.

05.10.2018

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No