

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

CR No. 445 of 2019 (O&M)  
Date of decision: 2.5.2019

Venus Star Hospitality Pvt. Ltd.

...Petitioner

Versus

Sarabjit Singh Bahniwal

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. Pawandeep Singh, Advocate,  
for the petitioner.

Mr. Divanshu Jain, Advocate,  
for the respondent.

**JAISHREE THAKUR, J.**

1. This revision has been filed under Article 227 of the Constitution of India for quashing of the order dated 10.1.2019, whereby the application under Order 9 Rule 13 of the Code of Civil Procedure (for short '**the Code**') filed by the petitioner for setting aside ex-parte order dated 3.4.2018 passed in Civil Suit bearing RC/ARC No. 104/2018 titled **Sarabjeet Singh Bahniwal Versus Venus State Hospitality Pvt. Ltd.** has been dismissed by the Rent Controller.

In brief, the facts are that the respondent/landlord filed an ejectment petition against the petitioner herein from the tenanted premises i.e. entire ground floor and entire basement of Show Room No. 28, Sector 26, Madhya Marg, Union Territory, Chandigarh. The petitioner herein was

proceeded ex-parte on 3.4.2018 and subsequently on 18.7.2018, the Rent Controller directed the petitioner to hand over the vacant possession of the premises to the respondent/landlord. On coming know of the ex-parte order dated 3.4.2018 and eviction order dated 18.7.2018, the petitioner filed an application under Order 9 Rule 13 of the Code to have the ex-parte order dated 3.4.2018 set aside, which application was dismissed by the impugned order, leading to the filing of the instant revision.

Learned counsel for the petitioner vehemently challenges the impugned order on the ground that the Rent Controller has erred in not giving any opportunity to contest the case on merit.

On notice, appearance has been caused by the respondent/landlord and, on his instructions, learned counsel for the respondent has very fairly stated that he would have no objection in case the ex-parte order dated 3.4.2018, ejectment order dated 18.7.2018 and order dated 10.1.2019 by which the application under Order 9 Rule 13 of the Code to set aside the ex-parte order dated 3.4.2018 has been dismissed, are set aside and the petitioner/tenant is given an opportunity to file his written statement and contest the case on merit with a stipulation that he will file his written statement within a week.

I have heard learned counsel for the parties and in view of the very fair stand taken by the respondent, deem it appropriate to allow the revision petition.

Consequently, the revision petition is allowed, ex-parte order dated 3.4.2018, eviction order dated 18.7.2018 and the impugned order dated 10.1.2019 are hereby set aside with a direction to the petitioner that he

will put in appearance before the Rent Controller, Chandigarh on 9.5.2019 and file his written statement on the said date itself. Needless to say that the Rent Controller will proceed with the case in accordance with law.

**2.5.2019**  
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**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes  
No