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

CR No.6259 of 2018

Date of Decision: 02.04.2019

Kamaljit Kaur

Petitioner

Versus

Bani Amrit Kaur

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikas Cuccria, Advocate
for the petitioner.

Mr. Satbir Singh, Advocate
for the respondent.

AVNEESH JHINGAN, J (Oral):

The present Civil Revision Petition has been filed by the petitioner being aggrieved of order dated 23.07.2018 passed by the Civil Judge (Sr. Division), Chandigarh [hereinafter referred to as 'Rent Controller'] striking off the defence of the petitioner.

The facts in brief are that a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for eviction of the petitioner ('respondent' before the Rent Controller) from the property in dispute and for recovery of rent was filed. On notice, learned counsel for the petitioner put in appearance but the reply was not filed within ninety days. On 23.07.2018, defence of the petitioner was struck off.

Learned counsel for the petitioner contends that on 23.07.2018, the matter was fixed for respondent's evidence and not for filing the written statement which created confusion for which clarification was sought from the Rent Controller but the defence was

struck off.

Learned counsel for the respondent argues that the written statement is not being filed intentionally, in order to delay the proceedings.

From the perusal of the order, it is evident that there was some mistake by the Rent Controller in the previous order, as a result of which, the matter was shown in the list for respondent's evidence.

Be that as it may, the petitioner was aware of the status of the case and it cannot be a excuse for not filing written statement on time.

For balancing the equities and in the interest of justice, order dated 23.07.2018 is set aside. The petitioner is provided one opportunity to file the written statement subject to payment of costs of ₹5,000/-, to be paid to the respondent.

It has been informed that the matter is fixed for 03.04.2019 before the Rent Controller. The Rent Controller shall adjourn the matter for two weeks and the petitioner shall pay the costs and file written statement well before the next date fixed by the Rent Controller.

The Civil Revision Petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

April 02, 2019

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | No |