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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.692 of 2018 (O&M)
Date of Decision: 05.03.2019

Anil Kumar

..... Petitioner

Versus

Bhagwan Dass

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rahul Rampal, Advocate,
for the petitioner.

Mr. Naveen Bawa, Advocate,
for the respondent.

SUDIP AHLUWALIA, J. (ORAL)

CR No.692 of 2018:

It has been made out that actually no service was effected upon the petitioner/tenant in the Eviction case, and that the Report of refusal of service against him is incorrect.

2. It further transpires that after the alleged refusal on part of the petitioner, the Report was not authenticated by any independent witnesses.

3. In the given circumstances, this Court is not inclined to disbelieve the petitioner's claim that he was not aware about pendency of the Eviction proceedings against him before the cross-examination of the respondent in different judicial proceedings on 11.09.2017.

4. As such, the application to set aside the *ex-parte* order passed against him just one week later cannot be treated as being time barred.

5. The present Revisional Petition is, therefore, disposed off, after setting aside the impugned order dated 09.01.2018, and with liberty to the petitioner to file his written statement in the Eviction proceedings on or before the next date fixed in the Ld. Court below, or within a period of two weeks from today, whichever is earlier, after which the Eviction case against him shall proceed in accordance with law.

CM No.10950-CII of 2018:

Since the main petition has already been decided, the present application becomes redundant and is, accordingly, disposed off as such.

05.03.2019

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No