

CM-17590-CII-2019 in/and
CR No.2763 of 2019
Date of Decision: 3.9.2019

Bhupinder Singh Gill

.....Petitioner

Versus

Jagraman Dhaliwal and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

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

NIRMALJIT KAUR, J. (ORAL)

CM-17590-CII-2019

Although, learned counsel for the applicant has not been able to justify the grounds for recalling the order dated 13.8.2019 passed by this Court, vide which, the revision petition was dismissed in default. Nevertheless, this Court, in the interest of justice, recalls the same to hear the matter on merits. The revision petition is restored to its original number and taken on board today itself for hearing.

CR-2763-2019

The impugned order is dated 28.1.2019, vide which, the defence of the petitioner was struck off on the ground of non-deposit of the admitted rent. The petitioner chose not to appear before this Court on two dates of hearing. No notice had been issued even uptill the date of dismissal in default on 13.8.2019. Be that as it may, the order vide which, the defence having struck off being of 28.1.2019, the trial is also stated to have progressed. Besides the same, this Court asked the petitioner, if he is ready to deposit the amount at this stage, to which learned counsel for the petitioner replied that the rent had not been calculated and therefore, he is

not liable to deposit the same. Whereas, it is evident from the impugned

order that the amount of rent was admitted and therefore, he was required to calculate the same from the date the admitted rent accrued. In fact, in the suit itself, the landlord has claimed a recovery of ₹ 2,80,500/- as rent lease money from November 2013 to July 2016 onwards. Admittedly, the same has not been deposited and nor is the petitioner ready to deposit even now. Hence, no ground to set aside the order dated 28.1.2019 is made out.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

3.9.2019
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No