

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

**CR No. 5661 of 2019  
Date of Decision: 03.10.2019**

**Daya Nand Chug**

..... Petitioner(s)

**Versus**

**Bijay Shankar Halwasia and another**

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Anil Ghanghas  
for the petitioner.

Mr. A.K. Goel, Advocate  
for respondent no.1.

Mr. Gopal Sharma, Advocate  
for respondent no.2.

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**LISA GILL, J.**

This revision petition has been filed challenging order dated 07.09.2018 passed by the learned Civil Judge (Junior Division), Bhiwani (Annexure P-3), whereby the petitioner was proceeded against ex-parte and the order dated 30.08.2019 (Annexure P-5), passed by the learned Rent Controller, Bhiwani, whereby the application filed by the petitioner-tenant for setting aside the impugned order dated 07.09.2018 has been dismissed.

Learned counsel for the petitioner submits that he was informed by his counsel that the eviction petition has been filed on the sole ground of non-payment of rent. The entire amount of rent due was deposited by the

petitioner as is reflected in order dated 25.09.2017 (Annexure P-2). Thereafter, the petitioner is regularly paying the rent to the landlord against the receipt. The petitioner, it is submitted, was shocked when he was told by the power of attorney holder of landlord, in the first week of January, that the shop shall be vacated through a Court order as exparte evidence of the landlord stood concluded. It is thereafter, that the petitioner made inquiries and came to know about passing of order dated 07.09.2018. Application for setting aside/recall of the said order was moved immediately but the same was dismissed on 30.08.2019. The petitioner, it is submitted, was proceeded ex-parte because he was misguided by his counsel. Once having deposited the entire arrears of rent and thereafter depositing the rent regularly, the petitioner, it is contended, had no palpable reason for not pursuing the matter in case he was not misled to believe that the proceedings would stand concluded. It is, thus prayed that the impugned orders be set aside and the petitioner may be put to terms as well in case the petition is allowed.

Learned counsel for the respondent-landlord submits that though the contentions as set-forth by the petitioner are refuted, however, he has no objection in case the order dated 07.09.2018 whereby the petitioner was proceeded ex-parte, is set aside, subject to the expeditious conclusion of the proceedings before the learned Rent Controller.

Keeping in view the facts and circumstances of the case besides the fair stand of the respondents, order dated 07.09.2018, whereby the petitioner was proceeded ex-parte as well as order dated 30.08.2019, are set

aside. The matter is stated to be fixed before the learned Rent Controller on 09.10.2019. The petitioner present in Court submits that the written statement shall be filed on 09.10.2019 itself. The same be accepted subject to deposit of Rs.15,000/- as costs, to be paid to the respondent-landlord on 09.10.2019 or on the next date as fixed by the learned Rent Controller. Learned counsel for the petitioner further submits that evidence of the petitioner – tenant shall be concluded in two effective opportunities.

Keeping in view the fact that the rent petition has been pending since 2017, it is directed that the proceedings before the learned Rent Controller be concluded within six months in accordance with the provisions of law.

Petition is accordingly disposed of in the aforesaid terms.

Needless to say, there is no expression of opinion on the merits of the case.

**(Lisa Gill)**  
**Judge**

**03.10.2019**

Sunil/rts

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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |