

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

CR No.6113 of 2019 (O&M)

Date of Decision: September 26, 2019

Rajinder Katyal

...Petitioner

Versus

Sagar Chand

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Chandan Singh Rana, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a civil revision that has been filed under Article 227 of the Constitution of India for setting aside the order dated 14.08.2019 passed by the Rent Controller whereby, the defence of the petitioner-tenant has been struck off due to non-filing of the written statement.

Counsel for the petitioner-tenant would contend that defence of the petitioner-tenant has been struck off on the ground that he has not filed the written statement. It is contended that in fact, an application seeking dismissal of rent petition was filed on the ground that the rent petition had been filed under Section 13 of the East Punjab

Urban Rent Restriction Act, 1949 whereas, it ought to have been filed under the new Punjab Rent Act, 2015, which application was dismissed. It is submitted that when the matter was fixed for filing of the written statement, the same was prepared but was not presented in the court well within time, that is why the Rent Controller declined to take the said written statement on the record. It is requested that one more opportunity be allowed to the petitioner-tenant to file the written statement, otherwise great injustice would be done to him.

I have heard counsel for the petitioner-tenant and have perused the pleadings of the case.

Admittedly, last opportunity had been allowed to the petitioner-tenant to file the written statement, which was prepared, however, was not filed in the court. After going through the orders passed by the Rent Controller, it can be construed that the written statement was not filed within the specified time as given by the Rent Controller. However, in order to do substantial justice to the parties, one more opportunity is allowed to the petitioner-tenant to file the written statement, subject to payment of ₹ 5000/- as costs to be paid to the respondent-landlord.

Consequently, the impugned order is set aside. The petitioner-tenant is directed to file the written statement before the Rent Controller on the date already fixed before it, after paying the costs. The Rent Controller would not grant any further adjournment for this purpose.

This civil revision is disposed of accordingly *in limine*. This

order has been passed in the absence of respondent to avoid unnecessary delay and expenses.

September 26, 2019
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No