

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

Civil Revision No.376 of 2019 (O&M)

Date of Decision: January 18, 2019.

Kuldeep Singh (Since deceased) through LR Ranvir Singh
.....PETITIONER(s).

VERSUS

Gurmeet Singh
....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naveen Bawa, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

The petitioner is challenging the order dated 04.07.2018, whereby the defence of the petitioner was struck off by the Rent Controller, Ludhiana.

The ejectment petition was filed in May 2016 against Kuldeep Singh (since deceased). He put in appearance but was later on proceeded ex parte. Thereafter, the petitioner moved application seeking setting aside ex parte proceedings, which was allowed vide order dated 13.12.2017 subject to payment of costs. While allowing the application of petitioner, learned Rent Controller did not find merits in his submission but taking a liberal view allowed him to join the proceedings. The case was fixed for payment of costs and filing of written statement. The petitioner neither paid the costs nor filed the written statement despite grant of several opportunities and ultimately his defence was struck off vide order dated 04.07.2018.

Learned counsel for the petitioner could not assail the order passed by learned Rent Controller on merits and has sought only one

adjournment, subject to costs, to file written statement. He submits that after the death of original tenant Kuldeep Singh, petitioner Ranvir Singh, who is son of Kuldeep Singh, was searching relevant documents and rent receipts, which he could not trace and this delayed the filing of written statement.

Though I find no merits in the submission of learned counsel for the petitioner explaining the delay in filing the reply/written statement, still keeping in view the interest of justice and to provide opportunity to the petitioner to contest the petition, I allow this petition subject to payment of costs of ₹15,000/- as costs, which will be paid by way of demand draft in the name of respondent-landlord within a period of two weeks. This costs will be in addition to the costs, which has been imposed by the Rent Controller. On payment of above costs within two weeks, the petitioner will be allowed only one opportunity to file written statement as per order dated 13.12.2017 and in the event of his failure to file the written statement, no further adjournment shall be allowed. The above directions have been issued as the petitioner appears to be delaying the disposal of the ejectment petition on one excuse or the other.

The order has been passed in the absence of respondent to avoid unnecessary delay and expenses. A copy of this order be conveyed to the respondent. In the event of respondent having any objection, he may file application to that effect. On receipt of the application, the same be listed for hearing.

January 18, 2019.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No