

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

CR No.7774 of 2019
Date of decision: 05.12.2019

Navbharat Transport

... Petitioner

Versus

Gurdwara Shree Mal Akhara Sahib Patshahi Shevin, Gurdwara Buraj Akali
Baba Phoola Singh Ji

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner-tenant is in revision before this Court aggrieved by an order dated 16.11.2019, passed by the Rent Controller, Amritsar, vide which its defence has since been struck off.

Learned counsel for the petitioner submits that although the petitioner had provided all the requisite documents/instructions to its counsel to prepare and file the written statement on its behalf, but yet he failed to file the same within the stipulated time.

Ex facie, the petitioner is a tenant and its ejectment from the demised premises is being sought on the ground of non-payment of rent and bona fide personal necessity. Upon being served, counsel for the petitioner has caused appearance before the Rent Controller only on 09.07.2019. Undoubtedly, petitioner was afforded four opportunities to file the written statement, and even if it is assumed that either the petitioner or its counsel was remiss in filing the written statement within time, the fact remains if it is

not afforded at least one opportunity to put-forth its defence, it would not only suffer an irreparable loss, but that might also result in miscarriage of justice.

That being so, and without issuance of any formal notice to the respondent to avert any further delay and expenses that it shall have to incur to defend these proceedings, the order dated 16.11.2019 is set aside, and the revision petition is disposed of in the following terms:

- i) The petitioner is granted one opportunity to file its written statement before the Rent Controller on the date already fixed i.e. 16.12.2019;
- ii) In the event of default, the matter shall not be adjourned for any reason or at any cost, and its defence shall be deemed to have been struck off;
- iii) This, however, shall be subject to payment of costs of Rs. 2,000/- to the respondents, that shall be a condition precedent.

(Arun Palli)
Judge

05.12.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO