

In the High Court of Punjab and Haryana at Chandigarh

118

CR-199-2020 (O & M)

Date of Decision: January 13, 2020

**THE CHIEF ADMINISTRATOR
GAIL GAS LTD**

.....PETITIONER

VERSUS

DEV RAJ DEWAN

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Arvind Sehdev, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 30.10.2019 whereby the request of the petitioner for adjournment for filing the written statement had been rejected and defence of the respondent was struck off.

Learned counsel for the petitioner contends that the respondent-plaintiff had filed a petition for ejectment of the petitioner from the demised premises on the ground of non-payment of rent. The petitioner had sought time to file the written statement as the counsel who had been engaged earlier did not file the written statement although the petitioner had instructed him to do so. The counsel who had later been engaged by the petitioner had put in appearance and sought only a week's time to file the written statement but instead of accepting his request, the Rent Controller had struck off the defence of the petitioner-respondent. He also contends that the petitioner had been served in the petition on 17.07.2019 and, therefore, only one opportunity may be granted to file the written statement. He has relied upon the judgment of this Court in the case of **Zora Singh versus Sukhminder Singh, 2019 (2) Law Herald 1096.**

Heard.

A perusal of the impugned order indicates that the power of attorney of the advocate engaged by the petitioner had been filed on that day and request for time to file written statement was made. Although period of 90 days is stated to have expired but it would in the interest of justice if the petitioner is granted one opportunity to file the written statement to enable him to effectively defend the petition. In the event of the petitioner not being allowed to defend the petition, prejudice would be caused to him.

In view of the limited prayer of the learned counsel for the petitioner to file the written statement, I intend to dispose of this petition without issuing notice to the respondent. It would be in the interest of justice, equity and fair play, if the petitioner is accorded an opportunity to file written statement.

Consequently, the petition is allowed and the petitioner shall be granted one opportunity to file the written statement within a period of two weeks from now subject to payment of ₹5,000/- as costs to be paid to the respondent.

If the respondent is aggrieved by the order of this Court, he would be at liberty to approach this Court by filing of an appropriate application.

(ANUPINDER SINGH GREWAL)
JUDGE

January 13, 2020
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No