

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

CR No. 5746 of 2019

Date of decision: 03.02.2020.

Santokh Verma

..... Petitioner.

Versus

Kamlesh Rani

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Neeraj Jain, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner/tenant has challenged the order dated 04.02.2016 passed by the Rent Controller whereby his application under Order 9 Rule 13 of the Code of Civil Procedure, 1908 ('CPC' - for short) for setting aside the *ex parte* order has been dismissed and the order passed by the Appellate Court on 26.07.2019 whereby his appeal thereagainst has also been dismissed.

Learned counsel for the petitioner/tenant contends that the respondent/landlord had preferred a petition for eviction of the petitioner/tenant on account of non-payment of arrears of rent. He also contends that the petitioner/tenant had neither been served in the matter nor substituted service was effected upon him. He was proceeded against *ex parte*. However, this order was set aside by the Rent Controller upon an application preferred by the petitioner/tenant under Order 9 Rule 13 CPC. He also contends that later on the counsel for the petitioner/tenant did not put in appearance and the rent petition was allowed *ex parte*. He also contends that several cases are pending between the parties and the counsel for the petitioner/tenant was under the impression that all those case would be taken up together, but the

rent petition was separated. He also contends that the counsel for the petitioner/tenant had noted a wrong date in the case.

Heard.

The petitioner/tenant had earlier been proceeded against *ex parte*, but later on upon an application preferred by him under Order 9 Rule 13 CPC, the *ex parte* order was set aside. The petitioner/tenant did not examine the previous counsel, who had allegedly noted the wrong date, and the index of the brief of the counsel has not been placed on record to indicate that a wrong date had been noted. The petitioner/tenant had been proceeded against *ex parte* on 25.04.2013 and, thereafter, the case was adjourned on six occasions and the counsel for the petitioner/tenant did not appear and consequently, the *ex parte* order was passed by the Rent Controller directing the eviction of the petitioner/tenant.

Therefore, as the petitioner/tenant had been granted adequate opportunity by the Rent Controller, but despite that the counsel did not put in appearance, I do not find any illegality in the impugned order passed by the Courts below which would warrant interference by this Court while exercising revisional jurisdiction.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

03.02.2020
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No