

Sukhdarshan

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Manoj Makkar, Advocate
for the petitioner

Mr. Arun Gosain, Advocate
for respondent No.1-Union of India.

Sudhir Mittal, J. (Oral)

The petitioner has challenged order dated 19.11.2020, whereby his application for exemption to serve notice under Section 80 CPC has been rejected.

The proceedings were initiated against the petitioner under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (for short 'the Act of 1971'). Consequently, notice was issued to him to appear before the competent authority to defend the case. The said notice was dated 27.08.2020 but the petitioner failed to appear. Consequently, another notice dated 29.09.2020 was issued asking him to put in appearance on 22.10.2020. The said notice has been challenged by the petitioner in Civil Suit dated 18.10.2020 along with which an application had been filed for exemption from serving notice under Section 80 of the Code of Civil Procedure. The said application has been dismissed by the trial Court on the ground that despite numerous opportunities, the petitioner failed to appear before the Competent authority under the Act, 1971.

Learned counsel for the petitioner submits that wherever an urgent relief is sought, the Court should exempt service of notice under Section 80 CPC.

The argument does not appeal to me. Adequate opportunity was granted to the petitioner to appear before the competent authority under the Act,

1971 but he failed to do so. When he did put in appearance, he could not produce evidence to show that he was not in unauthorized possession. Thereafter, he filed a civil suit, although he could not establish his rights in proceedings under the Act, 1971. Under the circumstances there was no urgency in the matter and the trial Court was justified in dismissing the application.

For the aforementioned reasons, the revision petition has no merit and is dismissed.

February 22, 2021

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No