

Gurwant Singh and another

.....Petitioners

versus

Jatinder Kumar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Saajan Singla, Advocate for the petitioners

Sudhir Mittal, J. (Oral)

Learned counsel for the petitioners submits that if the impugned order is permitted to stand, the rights of the petitioners would be gravely prejudiced. The delay in filing of the reply is not attributable to the petitioners themselves. The counsel engaged before the Rent Controller kept on taking dates for no valid reason even though all the material had been made available to them for preparing the reply. Presently, the matter is fixed for assessment of fair rent on 25.03.2021. The reply is ready and was filed with the application for recalling of order dated 20.08.2019. If the same is taken on record no prejudice would be caused to the respondents.

The prayer made is innocuous and in case the same is allowed it would not prejudicially affect the substantive rights of the respondents and, thus, revision petition can be decided without issuing notice of motion to them.

In view of the above, the revision petition is disposed of with a direction to the concerned Rent Controller to take on record the reply filed alongwith the application filed for recalling of order dated 20.08.2019. The said reply shall be considered to be written statement of the petitioners-tenants. Accordingly, order dated 20.08.2019 and subsequent order dated 15.01.2021 are set aside.

March 19, 2021

*reena***[SUDHIR MITTAL]
JUDGE****Whether speaking/reasoned : Yes/No****Whether Reportable : Yes/No**