

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

CR-1079-2021

Date of Decision: 24.05.2021

Daljit Kaur

....Petitioner

Versus

Dr. Gagandeep Goyal and aother

...Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Amandeep Singh Rai, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

Present revision petition has been filed for setting aside the order dated 09.04.2021 (P-3) passed by the Ld. Rent Controller, Bathinda, whereby the defence of the petitioner has been struck off.

Respondent No.1 filed an application under Section 20 (2) of the Punjab Rent Act, 1995 for eviction of the petitioner from the portion consisting of two rooms, lobby, kitchen, bathroom, toilet etc of furnished Flat No. 7C, Second Floor, Block-A, City Homes, Street No. 10/25, Balla Ram Nagar, Bathinda.

Learned Civil Judge (Senior Division), Bathinda issued summons (Annexure P-2) calling upon the petitioner to appear before the Court on 16.01.2020. It is the case of the petitioner that he petitioner appeared before the Court on 16.01.2020. Thereafter, the application was listed on 27.02.2020, 07.04.2020, 07.07.2020, 26.08.2020, 12.11.2020 and 08.01.2021 for filing reply. During this period lockdown was imposed on account of COVID-19 Pandemic

hence the petitioner could not appear before the Court.

Vide impugned order dated 09.04.2021, the Court has struck off the defence of the petitioner. In the impugned order it has been noted that the petitioner had appeared before the Court on 16.01.2020 but had not filed reply within the stipulated 90 days. The case has been listed for 26.07.2021 for recording the evidence of respondent No.1/Landlord.

Sh. Amandeep Singh Rai, Ld. counsel for the petitioner has relied upon the order dated 27.04.2021 of the Hon'ble Supreme Court in *Re Cognizance For Extension of Limitation Vs. XXXX*, Hon'ble Supreme Court has noticed its the earlier order dated 08.03.2020 wherein it had been directed that in computing the period of limitation for any petitions, applications, suits, appeals/all other proceedings the period from 15.03.2020 to 14.03.2021 was to be excluded. Now vide this order dated 27.04.2021 the period from 14.03.2021 till further orders has also been directed to be excluded.

Learned counsel thereby contends that the 90 days period fixed for filing reply cannot be said to have lapsed in view of the orders passed by the Hon'ble Supreme Court on 08.03.2020 and 27.04.2021. Thus the impugned order striking off the defence of the petitioner for failure to file reply cannot be sustained .

Clearly in terms of the orders of the Hon'ble Supreme Court in computing period of limitation for any petitions, applications, suits, appeals/all other proceedings the period from 15.03.2020 is to be excluded.

In view thereof the present petition is allowed. The order dated 09.04.2021 passed by Ld. Rent Controller, Bathinda striking off the defence of the petitioner is set-aside. The petitioner may file his reply on or before 26.07.2021.

This petition has been disposed of without issuing notice to the respondent/Landlord. In case respondent/Landlord has any grievance against this order, it would be open to the said respondent to move any appropriate application in accordance with law.

[HARINDER SINGH SIDHU]
JUDGE

May 24, 2021

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Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no