

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 2947 of 2021 (O&M)

Date of decision : 25.11.2021

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Surinder Kaur

.....Petitioner

vs.

Chhinder Pal Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Ms. Mannat Anand, Advocate
for the petitioner.

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H. S. Madaan, J. (Oral)

This civil revision petition has been filed by the petitioner –
Surinder Kaur, aged about 73 years, a senior citizen, who is
aggrieved by slow pace of proceedings in the ejectment petition filed
by her against respondent-tenant Chhinder Pal Singh, pending before
Rent Controller, Ludhiana.

Keeping in view nature of the request, I don't feel necessity
of issuing notice to the respondent.

I have heard learned counsel for the petitioner, besides going
through the record, especially, the interim orders passed by the Rent
Controller in this case. After filing of the Rent Petition and procuring

presence of the respondent, who had filed written reply contesting the petition, to which replication was filed by the petitioner, issues were framed in November 2018 and the case was fixed for evidence of petitioner. Thereafter, as the interim orders go to show that an application for amendment of the written reply was filed on behalf of respondent, which after several dates was decided vide order dated 14.5.2019, i.e. after a period of four months and then the case stood adjourned twice for filing of amended written reply. Thereafter the case was fixed for evidence of the petitioner. Affidavit of PW-1 was filed on 9.9.2019, whereas that of PW-2 on 22.10.2019, but their cross examination could not be got completed for several dates of hearing. Of course, functioning of the Courts was affected on account of outbreak of COVID pandemic for some time, but a perusal of the interim orders goes to show that every attempt has been made on behalf of the respondent to stretch the proceedings with learned counsel for the respondent either praying for adjournment or not being present in the Court when the case was listed. The Rent Controller has shown over indulgence to the respondent in granting adjournments liberally, which fact cannot be appreciated. The Rent Controller should have been sensitive to the plight of a senior citizen.

Under the circumstances, the revision petition is disposed of directing the Rent Controller, Ludhiana, to dispose of the Rent Petition, expeditiously, by giving short adjournments, disallowing the requests for adjournments, except for very compelling reasons, which be recorded in the interim orders. Adjournment be not granted just at

the asking and if it comes out that the respondent / his counsel, are indulging in delaying tactics, every attempt should be made by the Rent controller to curb the same by declining the request for adjournment and if it is found that the respondent is still trying to stretch the proceedings by not cross examining the petitioner's witnesses, then the Rent Controller may think of either appointing some Legal Aid counsel in order to represent the respondent to conduct proceedings on his behalf or close the cross examination by order. It is observed that in case it is found that the Rent Controller still grants liberal adjournments, then a serious view of the matter would be taken against him/her.

A copy of the order be sent to the concerned Rent Controller, Ludhiana, through District and Sessions Judge, Ludhiana, for compliance.

25.11.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No