

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

120

**CR-1006-2022 (O&M)
Date of decision: 23.03.2022**

JASBEER KAUR

.....Petitioner

Versus

HARBHAJAN SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anupam Bhardwaj, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is impugning order dated 07.11.2019 passed by the learned Civil Judge (Jr. Divn.), Amritsar vide which her defence was struck off in a rent petition bearing No.RP-261-2019 filed by the respondent and order dated 14.12.2021 passed by the Rent Controller, Amritsar vide which the application filed by the petitioner for setting aside order dated 07.11.2019 was dismissed.

Learned counsel for the petitioner submits that the petitioner was unable to file her written reply for genuine reasons which were beyond her control, as she was not keeping good health and had been hospitalized. In support, learned counsel has drawn the attention of this Court to Annexure P-2 which are the medical reports of the petitioner. Learned counsel prays that one last effective opportunity may be granted to the petitioner for filing her written reply.

Ex-facie the petitioner was given three opportunities to file her written reply, however, she failed to do so. Admittedly, she was unwell which fact finds substantiated from the medical reports which have been annexed as Annexure P-2. Hence, if the petitioner is not

granted at least one more effective opportunity to submit her written reply she may suffer irreparable loss resulting in miscarriage of justice.

In the wake of the above, without issuing notice to the respondent, to avoid any further delay as well as expenses which he shall have to incur to defend these proceedings, the impugned orders dated 07.11.2019 and 14.12.2021 are set aside. The instant revision petition is allowed in the following terms:-

1. The petitioner is granted one last effective opportunity to file her written reply.
2. In the event of default by the petitioner, the matter shall not be adjourned any further for filing of her written reply and consequently her defence shall be deemed to be struck off.
3. This, however, shall be subject to payment of costs in the sum of Rs.5,000/- to be paid to the respondent which shall be a condition precedent.

23.03.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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