

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

CR-1679-2020

Date of decision: 22.03.2022

Ajay Nagpal

.....Petitioner

versus

Monika and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Jasdeep Singh, Advocate
for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Heard.

The instant revision petition by virtue of Article 227 of the Constitution of India is against order dated 16.10.2019 passed by the Court of the learned Rent Controller-cum-Civil Judge (Junior Division), Ludhiana (Annexure P-5) whereby, the defence of the petitioner then respondents stood struck off.

Upon hearing and perusal of the records, it was only on 10.09.2019, the Court had disposed off an application for leave to

contest the rent petition moved by the respondents and, thereafter, adjourned the matter to 16.10.2019 for filing of written reply to the main ejectment petition and when the impugned order striking off the defence of the respondents, the present petitioner was passed.

Appreciating the submissions, the matter had been filed before the Court on 03.11.2018 and after three adjournments, on the 4th date, the respondents had put in appearance and the matter was listed for filing of an application for leave to defence. After affording adjournments for filing reply to it, arguments were heard on it on 06.09.2019 and subsequently, the same was disposed off on 10.09.2019 and the matter was listed for reply to the main eviction application on 16.10.2019. When the impugned order was passed, it reflective of the undue haste that has shown by the Court below. The Court needs to be sensitized to the requirements of law and speedy disposal and dispensation of justice cannot be misconstrued by holding that a party is denied legitimate right and audience in the Court, and opportunity of fair hearing. By granting only a single opportunity, the Court below has certainly run into an error necessitating intervention by this Court.

In view of the sad state of affairs one more opportunity is afforded to the petitioner to file the written reply to the main

petition. However, the same is subject to payment of Rs.500/- as costs which shall be a pre condition and will go to free legal aid account, Ludhiana. The parties through their counsels to appear before the concerned Court on the next date of hearing and the Court shall proceed ahead into the matter as per law.

The present revision is disposed off accordingly.

22.03.2022

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No