

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

Sr. No.109/2

CR-2504-2022

Date of Decision: 06.07.2022

MANJU SAINI THROUGH HER LEGAL HEIR

...Petitioner

VERSUS

SARDAR BAHADUR SIR INDRA SINGH TRUST

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Dhruv Gupta, Advocate,
for the petitioner.

ARCHANA PURI, J.

Present revision petition has been filed for setting aside the order dated 12.04.2022 (Annexure P-1) passed by learned Civil Judge (Junior Division)-cum-Rent Controller, whereby the evidence of the petitioner/tenant has been struck off.

It is now submitted by learned counsel for the petitioner that reply to the eviction petition could not be filed by him on 12.04.2022 and the impugned order was passed, as due to some mis-communication, the transfer application relating to the eviction petition in hand, as well as six other petitions, were decided one day prior to the date fixed, when the impugned order was passed.

Perusal of the court file reveals that the respondent had made appearance on 03.12.2019 and the case was fixed for filing of the reply by the respondent. Thereafter, another date was given for filing of reply and due to outbreak of Covid-19, the cases were being adjourned by general order. Thereafter, again 1-2 opportunities were in fact availed by the petitioner to file reply, but however, vide Annexure P-3, the transfer

application filed before the learned District Judge was allowed, and the seven rent petitions were ordered to be transferred from one court to another court, and this also includes the rent petition relating to the present revision petition.

Under these circumstances, seemingly on account of rent petitions having been transferred, the reply is stated to have not been filed and the impugned order was passed. We all know that due to Covid-19 situation, all the Courts were working under constrained circumstances, and even the litigants could not pursue the cases properly. The case is now stated to be fixed for issuance of provisional rent.

Considering, the aforesaid fact situation, present revision petition is allowed, and petitioner is granted one opportunity to file reply, on the next date, fixed before learned Trial Court.

However, this opportunity is granted, subject to deposit of Rs.10,000/- as costs, which has to be deposited with the District Legal Services Authority concerned.

(ARCHANA PURI)
JUDGE

06.07.2022

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No