

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

CR No.2897 of 2022 (O&M)
Date of decision: 13th December, 2022

AGS Transact Technologies Ltd. & others

... Petitioners

Versus

Sanjay Kumar & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jai Bhagwan Sharma, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been preferred under Article 227 of the Constitution of India for setting aside of the orders dated 09.04.2019 (Annexure P-4) and 05.04.2022 (Annexure P-6) passed by learned Rent Controller, Faridabad vide which the defence of the petitioner/Company was struck off for not filing the written statement.

Learned counsel for the petitioners *inter alia* contends that the respondents filed eviction petition on 18.05.2018 before the Rent Controller and the petitioner/Company engaged a counsel who appeared before the Rent Controller on 24.07.2018 and thereafter, the case was adjourned for filing of written statement. The case was adjourned on multiple occasions however, the petitioners were unable to file the written statement on account of the restricted functioning of

the Courts due to the outbreak of the pandemic COVID-19. Still further, due to some miscommunication between the petitioners and their counsel, which too was on account of the outbreak of the pandemic, they were not aware about the various dates of hearing. Learned counsel submits that the petitioners came to know about the interim order only after a representative of the Company visited the Court to enquire about the status of their case. Thereafter, they engaged a new counsel and since the petitioners are not well versed with the nitty gritty of the Court proceedings, a lenient view be taken, coupled with the fact that the Hon'ble Apex Court had also been taking a lenient view and extending the period of limitation on account of the conditions subsequent to the outbreak of the pandemic. It is submitted that it was on account of the genuine reasons that the petitioners were unable to file their written statement. A prayer has, therefore, been made that a compassionate view be taken and the impugned orders be set aside.

I have heard learned counsel and perused the material on record.

A perusal of the record reveals that the petitioners have indeed been negligent in pursuing the case. However, at the same time this Court is also conscious that due to the restrictions imposed subsequent to the outbreak of the pandemic COVID-19, normal life had been disrupted. In the circumstances, this Court is of the opinion that if the petitioners are not granted one more opportunity to file their written

statement, they would suffer irreparable loss which in turn would result in miscarriage of justice. Therefore, for just and proper adjudication of the case, this Court deems it appropriate to grant one last effective opportunity to the petitioners to file their written statement.

In the wake of the above, without issuing notice to the respondents, to avoid any further delay as well as expenses which the respondents shall have to incur to defend these proceedings, the impugned orders dated 09.04.2019 (Annexure P-4) and 05.04.2022 (Annexure P-6), are set aside. The instant revision petition is allowed in the following terms:-

1. The petitioners are granted one last effective opportunity to file their written statement.
2. In the event of default by the petitioners, the case shall not be adjourned any further for filing of their written statement and consequently their defence shall be deemed to be struck off.
3. This, however, shall be subject to payment of costs in the sum of ₹ 10,000/- to be paid to the respondents which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

December 13, 2022

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No