

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

112

CR No.4632 of 2022

Date of decision: 30.11.2022

M.V. CONSULTANCY PVT. LTD. AND ANR. ..PETITIONERS

Vs.

AVTAR SINGH AND ORS.

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karanveer Nanda, Advocate
for the petitioners.

Mr. Ramesh Hooda, Advocate
for the respondents.

HARKESH MANUJA, J.

By way of present revision petition challenge has been made to an order dated 19.09.2022 passed by learned Rent Controller, Chandigarh whereby an application under Order 9 Rule 13 CPC made at the instance of petitioners-tenants has been declined.

The primary contention raised at the instance of petitioners is that an application moved at their instance for setting aside of an ex parte eviction order dated 12.10.2021 passed by Ld. Rent Controller, Chandigarh has been rejected, without even framing of issues and grant of opportunity to lead evidence in support thereof. In this regard, learned counsel for the petitioners places reliance upon judgment rendered in C.R. No.1711 of 2019, titled as Gurjeet Singh versus Jagtar Singh decided on 10.12.2019.

Though, no notice has been issued in the present revision petition so far, however, Sh. Ramesh Hooda, Advocate filed his Power of

Attorney on behalf of respondents and appeared before this Court on 11.11.2022. In response to the contention raised on behalf of petitioners, Sh. Hooda very fairly states that he would have no objection in case the matter is remanded back to Rent Controller with a direction to decide the application under Order 9 Rule 13 CPC, afresh, after framing of issues and granting opportunity to both the sides so as to lead their evidence thereupon.

Accordingly, the present revision petition is hereby allowed. The impugned order dated 19.09.2022 is set aside with a request to the learned Rent Controller so as to frame issues on the application under Order 9 Rule 13 CPC, filed at the instance of petitioners and decide the same within a period of 2 months from the date of receipt of certified copy of order passed by this Court after granting two effective opportunities each to both the sides to prove their respective stands in the application under Order 9 Rule 13 CPC.

Disposed of accordingly.

November 30, 2022
Poonam Sharma

(HARKESH MANUJA)
JUDGE

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