

133 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4491-2022
Decided on:-17.10.2022

Jagtar Singh

....Petitioner

vs.

Kulwinder Singh and others

....Respondents.

CORAM:HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Umesh Aggarwal, Advocate,
 for the petitioner.

HARKESH MANUJA J. (Oral)

The limited prayer made in the present revision petition is for expeditious and time bound disposal of rent petition bearing RP No.114 of 2020, titled as “Jagtar Singh vs. Kulwinder Singh and others”, pending before the court of Rent Controller, Amritsar.

The above-mentioned Rent Petition No.114 of 2020 was filed at the instance of the present petitioner against the respondents seeking their eviction from the tenanted premises i.e. Shop No.2 forming part of plot No.2, Khasra No.4636/1582 min, situated at Sultanwind Urban, Sultanwind Road, Abadi Tej Nagar, Tehsil and District Amritsar, on the ground of non-payment of rent as well as bonafide necessity.

The ejectment petition was filed in February 2020, but the same could not proceed further on account of intermittent breaks in the court proceedings on account of Covid-19 situation. On 07.10.2021, respondent No.3 appeared through his counsel, filed memo of appearance and the matter was adjourned for filing of power of attorney on his behalf besides

the filing of his written statement as well. Further, the matter was adjourned for issuance of summons to respondents No.1 and 2. Thereafter, on 17.03.2022, respondents No.1 and 3 appeared in person and informed the learned Rent Controller that respondent No.2 was residing in Russia and since then the matter was being adjourned for effecting service upon respondent No.2, who in fact is the real brother of respondent No.3 and son of respondent No.1.

Perusal of zimni orders dated 15.11.2021, 05.07.2022 and 05.09.2022, show that out of last four hearing, on three occasions, the matter could not be heard on account of leave of the learned Presiding Officer. The aforesaid three orders are reproduced hereunder for reference:-

On 15.11.2021, the following order was passed:-

“File taken up today as I was on casual leave on 11.11.2021 and 12.11.2021 (13.11.2021 and 14.11.2021 was holiday on account of Saturday and Sunday). Now to come up on 01.02.2022 for further proceedings as per previous order.

On 05.07.2022, the following order was passed:-

“File taken up today as Presiding Officer is availing casual leave for tomorrow. Now to come up on 06.09.2022 for the purpose already fixed.”

On 05.09.2022, the following order was passed:-

“File taken up today as I shall be on leave on 06.09.2022. Case stands adjourned to 31.10.2022 for the purpose already fixed. Reader is directed to inform the parties accordingly.”

In the present case, learned counsel for the petitioner has made a very innocuous prayer that the petitioner being an old man of 62 years of age, has been pursuing his litigation regarding eviction having been sought

against the respondents from the tenanted premises on account of his necessity as well as bonafide need of his sons and prays for issuance of direction for requesting the learned Rent Controller to expedite the proceedings in the rent petition.

I have heard learned counsel for the petitioner and gone through zimni orders attached along with the revision petition.

Keeping in view the aforementioned facts and considering the age of the petitioner; and also that the eviction petition is pending for the past more than 2 ½ years and is still at the stage of effecting service upon the respondents; and even till date no written statement has been filed on their behalf, the instant petition is disposed of with the direction to the learned Rent Controller to look into the matter and expedite the proceedings and make all endeavour to dispose of the same within a period of one year from the date of receipt of certified copy of this order.

Keeping in view the nature of proceedings, the present petition is being disposed off without issuing notice to the respondents, least it may further delay the proceedings.

Pending application(s), if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

17.10.2022
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No