

[125] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1735-2023

Date of Decision : 28.04.2023

Rajesh Bawa ...Petitioner

versus

Sukhdev SinghRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. K.P. Singh, Advocate for the petitioner.
Ms. Shivya Sehgal, Advocate for the respondent.

B.S. Walia, J. (Oral)

[1] Although a number of prayers have been made in the instant petition, learned counsel for the petitioner confines his prayer in the instant petition for setting aside order dated 10.02.2023, and for grant of one opportunity to file written statement.

[2] A perusal of order dated 10.02.2023 reveals that the learned Civil Judge (Junior Division), Amritsar, struck off the defence of the petitioner defendant by taking into account that the petitioner had appeared before the Court on 30.07.2022 but despite availing eight effective opportunities had failed to file written statement and the respondent-landlord who is a senior citizen was being harassed by the petitioner by deliberately delaying the proceedings.

[3] Learned counsel contends that pursuant to order dated 20.03.2023, the petitioner has deposited costs of Rs.10,000/- besides the

Learned counsel contends that in case, one opportunity is not granted to file the written statement, grave prejudice would be caused to the petitioner.

[4] Learned counsel for the respondent on the other hand contends that a number of opportunities were granted for filing written statement, therefore no indulgence should be granted to the petitioner.

[5] I have considered the submissions of learned counsel.

[6] Admittedly, the petitioner has deposited costs of Rs.10,000/- before the learned trial Court in terms of order dated 20.03.2023 besides, the case is pending before the learned Rent Controller for assessment of interim rent in the first week of May, 2023.

[7] Having regard to the fact that the rent petition stands deferred for hearing to the first week of May, 2023 besides, the petitioner has deposited costs of Rs.10,000/-, impugned order dated 10.02.2023 to the extent of striking off the defence of the petitioner-respondent is *set aside*. Costs of Rs.10,000/- deposited by the petitioner before the learned trial Court be paid to the respondent-landlord. Petitioner-respondent shall file the written statement before the learned Rent Controller before the date fixed, with copy to learned counsel for the respondent-landlord, failing which, the impugned order shall stand revived. Since the respondent is 71 years of age and has filed a petition under Section 20 of the Punjab Rent Act, 1995 on account of non deposit of arrears of rent, it is deemed appropriate to request the learned Rent Controller to consider

and decide the rent petition in accordance with law as expeditiously as possible, preferably within four months from today.

28.04.2023
'Rajneesh'

(B.S. Walia)
Judge

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>