

2023:PHHC:145395
**131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-2986-2019 (O&M)
Date of decision: 15.11.2023

Anita Khanna

....Petitioner

Versus

Pandit Sohan Lal (deceased) through LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Veneet Sharma, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. The petitioner herein was a tenant in possession of the tenanted property. The respondent-landlord filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. The petitioner was served with a notice. She appeared and filed the written statement as well as the counter claim. The landlord led his evidence. When the case was at the stage of evidence of the tenant neither her counsel nor the petitioner (tenant) appeared in the court on 31.01.2010. Hence, she was proceeded against ex-parte. The eviction of the petitioner was ordered by the learned Rent Controller on 21.04.2010. The petitioner filed an application in October, 2010 for setting aside the ex-parte decree. Both the courts, on the appreciation of material on record, have concurrently found that the application filed by the petitioner was filed beyond the prescribed limitation period. Thus, the application has been dismissed.

2. Heard the learned counsel representing the petitioner at length and with his able assistance perused the paperbook.

3. Learned counsel representing the petitioner admits that the possession of the tenanted premises has already been delivered to the respondent by the court. He submits that on account of non-appearance of the petitioner only on one date of hearing i.e 31.01.2010, the court was not justified in proceeding against her as ex-parte. He submits that the eviction order was passed within 21 days from the date the petitioner was proceeded against ex-parte. He submits that the court should have granted an opportunity to the petitioner to prepare and contest the petition.

4. This Court has considered the submissions made by the learned counsel representing the petitioner. As already noticed, both the courts have examined the material placed on file in support of the application. From the pleadings, the court culled out the issues and permitted the parties to lead evidence in support of the application. It has been found that the petitioner has failed to justify her absence from the court. Moreover, no application for the condonation of delay was filed. The revisional court can interfere only if the orders passed by the authorities suffer from a patent error or perversity. In this case, the learned counsel representing the petitioner failed to draw the attention of the Court to any such error.

5. Keeping in view the aforesaid facts, no ground to interfere is made out.

6. Hence, dismissed.
7. All the pending miscellaneous applications, if any, are
also disposed of.

15.11.2023
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No