

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

CR No. 3007 of 2023 (O&M)

Date of decision: 17.05.2023

Lokesh Babbar (since deceased) through his legal heirs Petitioners

Versus

Tarsem Lal Gupta Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sanjeev Duggal, Advocate, for the petitioners.

ANUPINDER SINGH GREWAL, J. (ORAL)

1. The petitioners have challenged the order dated 28.09.2022 (Annexure P-1) passed by the Rent Controller, Pathankot, whereby their defence has been struck off.

2. Learned counsel for the petitioners submits that the petitioners may be granted only one opportunity to file their written statement. He also submits that the petitioners shall not try to unduly delay the trial.

3. Heard. The respondent-landlord is stated to have filed a petition for ejectment of the petitioners-tenant from the demised premises on account of non-payment of rent, personal necessity and material alteration. It is true that the petitioners have been afforded several opportunities to file their written statement and their defence has been struck off when they failed to file their written statement. However, it would be in the interest of justice if the petitioners are afforded one opportunity to file their written statement and the ejectment petition is heard and decided on merits after appreciating the evidence led by both the parties.

4. Consequently, the petition stands allowed. The impugned order dated 28.09.2022 (Annexure P-1) passed by the Rent Controller, Pathankot, is set aside. The petitioners shall be afforded one effective opportunity to file their written statement within a period of ten days, subject to payment of ₹10,000/- as cost to be paid to the respondent. The petitioners shall not make any effort to delay the proceedings before the trial court and they shall lead their evidence promptly.
5. This order has been passed without issuance of notice to the respondent as doing so would delay the proceedings. In the event of the respondent being aggrieved by this order, he would be at liberty to prefer an application in that regard.
6. Pending application(s), if any, shall also stand disposed of.

17.05.2023
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

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