

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.121

Case No. : C.R.No.3277 of 2023

Date of Decision : July 24, 2023

Rajpal Khullar		Petitioner
vs.		
Shashi Kant Kalia		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Amandeep Soni, Advocate
for the petitioner.

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GURBIR SINGH, J. :

1. This revision petition has been filed for setting aside the order dated 21.03.2023 passed by learned Rent Controller, Jalandhar, whereby application moved by the petitioner, for setting aside the ex-parte order dated 09.05.2019, has been dismissed.
2. Learned counsel for the petitioner submits that the respondent, through her attorney, has filed a petition for eviction of petitioner on the ground that he is a tenant in the demised premises and sought his ejectment on the ground of non-payment of arrears of rent and also on the ground that he has sub-let the tenanted premises to another person without her consent.
3. Learned counsel for the petitioner submits that the petitioner moved an application for setting aside the ex-parte order dated 09.05.2019 stating therein that his counsel Mr. Munish Sidana, Advocate had taken permanent residency of Canada without informing the petitioner and he was under the impression that his case was being followed up by his counsel but

it was not being heard for long. So, the petitioner inquired from his counsel on 05.12.2022 and came to know that his counsel had shifted to Canada in the month of April 2019 and the petitioner was proceeded against ex-parte on 09.05.2019. Therefore, non-appearance of the petitioner was neither willful nor intentional. The learned Trial Court failed to appreciate the same and dismissed his application.

4. Heard the submissions made by learned counsel for the petitioner.

5. The application moved by the petitioner for setting aside the ex-parte order has been annexed as Annexure P-2. The only ground taken therein by the petitioner is that his counsel had shifted to Canada in the month of April 2019 and the petitioner came to know about the same only on 05.12.2022. It is unbelievable that a tenant or sub-tenant would not have any conversation with his lawyer for a period of more than 3-1/2 years. As per the impugned order, the petitioner was proceeded against ex-parte on 09.05.2019 and application was moved on 20.12.2022. Learned Trial Court has rightly held that it is hard to believe that the petitioner did not contact his previous counsel for a period of 03 years and 08 months to know about the status of the case pending against him and the petitioner had failed to state any reasonable ground for his absence for such a long period. Any averment, which does not sound to reason, cannot be accepted. The learned Trial Court, after dismissing the application, further allowed the petitioner to join the proceedings of the case from 20.12.2022 onwards.

6. Since there is no sufficient explanation and no reasonable ground for setting aside the impugned order dated 21.03.2023, I find no

illegality or perversity in the said order passed by the learned Trial Court. Moreover, the petitioner has already been allowed to join proceedings of the case from 20.12.2022.

7. Accordingly, the present revision petition, being without any merit, is hereby dismissed.
8. Pending applications, if any, shall stand disposed of along with this judgment.

July 24, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.