

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

(117)

Civil Revision No.3231 of 2023**Date of Decision: 13.07.2023**

Kailash Pandit

..... ...Petitioner

Versus

Balwant Singh and others

..... ..Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajesh Gupta, Advocate, for the petitioner.

HARKESH MANUJA, J.(ORAL)

1. By way of present revision petition, challenge has been made to the order dated 17.09.2022 (Annexure P-2) whereby, right of the petitioner-tenant to file the written statement was struck off followed by another order dated 12.04.2023 (Annexure P-5) declining the prayer to recall the previous order dated 17.09.2022.

2. In the present case, the respondents being landlords filed eviction petition against the petitioner-tenant qua the tenanted premises (small shop) wherein, post his appearance, the petitioner-tenant was afforded opportunity to file written statement and the first date for the said purpose was 15.07.2022.

3. The petitioner-tenant having failed to file his written statement on 15.07.2022 and even on the two following dates i.e. 08.08.2022 and 17.09.2022, his right to file the same was struck off by the learned Rent Controller on 17.09.2022. A prayer for recalling of the said order also came to be declined vide order dated 12.04.2023 while recording that

of filing of his written statement which he failed to do the needful.

4. Impugning the aforesaid order, learned counsel for the petitioner-tenant submits that petitioner-tenant will suffer an irreparable loss and injury in case he is not permitted to file his defence/written statement in the eviction petition which involves his substantial rights.

5. I have heard learned counsel for the petitioner and have gone through the paper book. I find substance in the submissions made on behalf of learned counsel for the petitioner-tenant.

6. In the present case, though three hearing were fixed for the purpose of filing of written statement by the petitioner-tenant during which he failed to do the needful, however, it would be in the interest of justice, in case the petitioner-tenant is afforded one another opportunity to file his written statement so as to put forth his defence to the eviction petition. The filing of written statement would even help the learned Rent Controller to adjudicate upon the rights of the parties in an effective manner, that too when the proceedings before the learned Rent Controller have not gone too far and the same are still at the stage of recording of evidence of the respondents-landlords.

7. Resultantly, the orders dated 17.09.2022 (Annexure P-2) and 12.04.2023 (Annexure P-5) passed by the learned Rent Controller are set aside, granting an opportunity to the petitioner-tenant to file his written statement on or before the dated fixed i.e 16.08.2023. The same shall be subject to payment of costs of Rs.10,000/- to be paid to the respondents-landlords. It may be pointed out here that revision petition is being disposed of without issuance of notice to the respondents as the same may result in unnecessary delay in disposal of the eviction petition and also to

save them of unnecessary cost of litigation.

8. Disposed of accordingly.

(HARKESH MANUJA)
JUDGE

13.07.2023
anil

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