

CR-3534-2023 (O&M)

113

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-3534-2023 (O&M)

Date of decision: June 02, 2023

M/s Cross Land Consultant

....Petitioner

versus

Smt. Kamlesh Ohri and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ajaivir Singh, Advocate for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein *inter alia* is for setting aside impugned order dated 19.05.2023 (Annexure P-10) passed by learned Civil Judge (Junior Division), Chandigarh whereby three applications filed by petitioner seeking condonation of delay, seeking to set aside *ex parte* order dated 12.11.2021 (Annexure P-5), *ex parte* eviction order dated 27.09.2022 (Annexure P-4), and third application (Annexure P-8) under Order XIV of Code of Civil Procedure, 1908 (for short 'CPC') for framing issues, were dismissed.

2. Averments are that, previously Devjeet Singh was one of the partners in the petitioner-firm, which was inducted as tenant by respondents in the demised premises. In the year-2020, respondent-landlords filed petition under Section 13 of the East Punjab Urban Rent Restriction Act (applicable to U.T., Chandigarh) for ejectment of petitioner-firm from tenanted premises i.e., Second Floor, SCO-98-99-100, Sector 17-D, Chandigarh. Upon leading evidence by respondent-landlords, petitioner-tenant was directed to pay arrears of rent failing which landlords would be entitled to take physical vacant possession of premises in dispute. Petitioner-firm was proceeded *ex parte* vide order dated 12.11.2021 (Annexure P-5).

CR-3534-2023 (O&M)

2.1. Petitioner-firm also filed application under Order IX Rule 13 CPC for setting aside *ex parte* order dated 12.11.2021 followed by *ex parte* eviction order dated 27.09.2022 (Annexure P-4). Petitioner also filed application for condonation of delay and another application (Annexure P-8) under Order XIV of Code of Civil Procedure, 1908 (for short 'CPC') for framing issues

2.2. Vide impugned order dated 19.05.2023 (Annexure P-10), all three applications including application under Order XIV CPC for framing issues, were dismissed.

3. Learned counsel for the petitioner-firm would contend that during COVID restrictions, petitioner-tenant was not able to run business and its institute since offices were ordered to be closed. Upon issuance of notice in eviction petition, petitioner was not served properly and did not come to know about proceedings and thus, could not attend the eviction proceedings.

4. I have heard learned counsel for petitioner and perused the record.

5. This Court was inclined to grant indulgence subject to the petitioner-firm paying upto date arrears of rent as on date. However, confronted with the observations, learned counsel for petitioner candidly submits that petitioner-firm has run into massive losses during COVID-19 period and is not in a position to pay arrears. He further states that given the rate of rent, there is high likelihood that premises in question will be vacated.

5.1. Learned counsel for petitioner further states that if this Court grants sometime to vacate the premises, in the interregnum, petitioner-firm will amicably settle the outstanding arrears of rent with respondent-landlords.

6. It transpires that execution proceedings are already pending. Therefore, present revision is disposed of with liberty to petitioner-firm to apply/ take appropriate steps to get the matter referred before the mediation Centre and/ or

CR-3534-2023 (O&M)

to settle amicably before learned Executing Court, as it may deem fit. Petition is thus disposed of.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

June 02, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No