

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

Sr. No.132-2

CR-4682-2023

Date of Decision: 21.08.2023

ANIL KUMAR KAPOOR

....Petitioner

Versus

KANTA RANI AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. Vansh Chawla, Advocate
for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision is to the order dated 05.05.2023 (Annexure P-1), whereby the defence of the petitioner/tenant has been struck off.

Learned counsel for the petitioner heard.

Facts, as culled out from the paperbook are that initially, Kanta Rani had filed a petition under Section 13 of East Punjab Urban Rent Restriction Act, thereby seeking ejectment of the respondents from her property, as detailed in the head note of the application, copy whereof is Annexure P-2.

All the zimini orders, passed by the Court below, prior to the passing of the impugned order have been placed on record.

Perusal of the aforesaid zimini orders reveals that it was on 02.12.2022, the petitioner/tenant had made appearance before the Court below and was directed to join the proceedings, subject to payment of cost and thereby

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the case was adjourned for 03.01.2023. On 03.01.2023, it was jointly submitted by the parties that there are chances of amicable settlement between the parties, relating to which, matter was referred to Mediation Centre and for awaiting report, the case was adjourned for 31.01.2023. On 31.01.2023, again on the count of efforts for compromise being made, the case was adjourned to 11.02.2023. *Vis-a-vis*, the compromise, the matter was referred to National Lok Adalat for final statement.

However, before the Lok Adalat on 11.02.2023, none had made appearance on behalf of either of the parties and the case was adjourned for 21.01.2023. On 21.01.2023, the application for production of documents was filed by the present petitioner, which was disposed of and the case was adjourned for 05.04.2023, for filing of written statement, subject to last opportunity. However, on 05.04.2023, it was observed in the order that the documents, relating to which the order was passed on the last date, were not produced. However, learned counsel for the petitioner was barred from placing reliance upon these documents, except with prior permission of the Court, and thereafter, case was adjourned further for 27.04.2023. On the next date i.e. 27.04.2023, subject to payment of cost, the date was given further for 05.05.2023, upon which date the impugned order was passed.

Thus, from the seriatim of zimini orders, which are annexed with the petition, reveals that, it was on 05.04.2023, the first date is to be counted with regard to the opportunity provided to file reply and earlier, it was for production of documents, besides the talk of compromise going on. No clear 30 days' time, as such, had been given for filing of the reply.

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Keeping in view the aforesaid fact situation, without prejudice to the rights of the parties to be adjudicated on merits, the instant revision petition is hereby allowed and the impugned order is set aside. However, only one opportunity is given to file the reply to the ejectment petition.

However, at this stage, learned counsel for the petitioner has submitted that he has already filed an application, before the Court concerned for placing on record the written statement, upon which no order, as such, has been passed and the case is now fixed before learned Lower Court for 04.09.2023.

In view of the observations made aforesaid, the Court concerned shall dispose of the application, so filed, and proceed further with the case.

Accordingly, the instant revision petition stands disposed of.

21.08.2023
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(ARCHANA PURI)
JUDGE

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