

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

CR No. 5615 of 2023(O&M)

Date of Decision: 22.09.2023

Hari Om @ Hari Om Sethi

...Petitioner

Versus

Pardeep Arora

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Parminder Singh, Advocate for
Mr. V.K. Kaushal, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. The present revision petition has been filed by the petitioner/tenant against the order dated 02.07.2022 whereby the defence of the petitioner has been struck off and order dated 06.07.2023 passed by Rent Controller, Amritsar in rent petition titled Pardeep Arora Vs. Hari Om & Ors.

2. The counsel for the petitioner while assailing both the impugned orders, *inter alia*, submits that the allegations made in the rent petition filed by the respondent/ landlord are totally false and on receiving the notice of the rent petition, the petitioner put in appearance and thereafter filed an application for production of documents and the said application was dismissed by the learned Rent Controller vide order dated 01.04.2022 and finally the defence of the petitioner was struck off by the said Court vide order dated 02.07.2022 and then the petitioner filed application under

Section 151 CPC for recall of the said order but the same was also dismissed

by the Court of Rent Controller, Amritsar vide order dated 06.07.2023. The counsel for the petitioner further submits that the provision of Order 8 Rule 1 CPC is not strictly applicable to rent proceedings and even otherwise the said provision is directory and not mandatory. So, prayer is made that the petitioner be granted one last opportunity to file his written statement. It is further submitted that otherwise the petitioner will suffer irreparable loss.

3. I have considered the submissions made by counsel for the petitioner.

4. Proviso to Rule 1 Order 8 CPC is directory and not mandatory in nature and the time limit provided under statute for filing the written statement in civil proceedings could be extended by the Court. In **Bharat Kalra Vs. Raj Kishan Chhabra 2022(3) Apex Court Judgments (SC) 598**, the Hon'ble Supreme Court condoned delay of 193 days in filing of written statement. Again the Hon'ble Apex Court in **Raj Process Equipments & Systems Pvt. Ltd. & Ors. Vs. Honest Derivatives Pvt. Ltd. 2023(1) RCR(Civil) 511** has reiterated that the time limit provided under statute for filing of a written statement is directory and not mandatory in nature.

5. In the light of above discussion, the present petition is allowed and impugned orders are set aside and one last opportunity is granted to the petitioner to file written statement by the next date fixed in the trial Court subject to costs of Rs.7000/- which is to be paid by the petitioner to the respondent at the time of filing of the written statement.

6. Keeping in view the circumstances mentioned above, this petition is being disposed of without issuing any notice to the opposite party.

If respondent is summoned to contest this litigation, he will have to incur huge expenses to defend this case. However, liberty is granted to the

respondent that if he feels dissatisfied with this order, he may move an application to recall the same.

22.09.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(KARAMJIT SINGH)
JUDGE