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

CR-6375-2023 (O&M)

Date of Decision:- 18.12.2023

JASPAL SINGH ARORA

...Petitioner

Vs.

MANPREET SINGH

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Karan Kaushal, Advocate for the petitioner.

AMARJOT BHATTI, J. (Oral)**CM-21044-CII-2023**

This is an application filed by the petitioner under Section 151 CPC for placing on record the zimni order dated 06.10.2023 as Annexure P-3.

For the reasons mentioned therein, the application is allowed and copy of order dated 06.10.2023 is taken on record.

Main case.

1. The petitioner has filed civil revision under Article 227 of the Constitution of India for setting aside the order dated 05.09.2023 passed by learned Rent Controller, Faridabad whereby the defence of the respondent No.2 has been struck off.

2. Learned counsel for the petitioner pointed out that Manpreet Singh has filed ejectment petition under Section 13 of Haryana Urban (Control of Rent and Eviction) Act, 1973. The copy of petition is Annexure

P-1. The petitioner was granted five opportunities to file his written reply.

The copy of zimni orders are Annexure P-2. The present petitioner is 74 years old and senior citizen suffering from severe heart condition. The counsel engaged by the present petitioner did not tell him the proceedings of the case, as a result, the defence was struck off. It is prayed that present petitioner may be given one opportunity to file his written reply to the ejectment petition.

3. I have considered the present petition. The present civil revision is based on documents which are already placed on record. No purpose would be served by issuing notice to the respondent as it will further result into delay in litigation and unnecessary legal expenditure. I have considered the documents on record. Copy of ejectment petition is Annexure P-1. The record shows that the counsel for defendant No.2 filed memo of appearance on 13.07.2022 and thereafter took two dates for filing of power of attorney and again sought adjournment from time to time for filing written reply and ultimately the defence was struck off by passing impugned order dated 05.09.2023. Learned counsel has also placed on record the recent order according to which the case is fixed for petitioner evidence for 05.01.2024. There is no doubt about it that the learned Rent Controller gave sufficient opportunities to the present petitioner for filing of his written reply. Considering the nature of litigation as well as the age of petitioner and the stand taken by him for not filing of written reply, a lenient view is taken and he is granted one opportunity to file his written reply subject to payment of costs of Rs.20,000/- payable to the respondent No.1/petitioner in the main case on the next date.

4. The Civil Revision is, accordingly, disposed of.

Pending application (s), if any, also stands disposed of.

18.12.2023

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(AMARJOT BHATTI)
JUDGE

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