

2024:PHHC:031856

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
128**

CR-1216-2024

Date of decision: 06.03.2024

UPNEET KAUR SANDHU AND ANOTHER

.....PETITIONERS

Versus

RAMESH CHANDER AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Manoj Kumar, Advocate,
for the petitioners.

RITU TAGORE, J. (ORAL)

The limited prayer in this revision petition is to direct the learned Rent Controller, Phillaur, District Jalandhar to decide the application (Annexure P-6) for leave to contest the petition, filed by respondent No. 2 in Rent Petition No. RENT/2/2020 titled as 'Upneet Kaur Sandhu and another vs. Ramesh Chander and another' under Section 20 of The Punjab Rent Act, 1995 as amended up to date, in time bound manner.

2. Considering the limited scope of prayer, issuance of notice to the respondents is dispensed with.

3. Learned counsel for the petitioners submits that petitioners, being landlords, filed a Rent Petition No. RENT/2/2020 titled as 'Upneet Kaur Sandhu and another vs. Ramesh Chander and another' under Section 20 of The Punjab Rent Act, 1995 as amended up to date (Annexure P-1) on 17.09.2020 in the Court of learned Rent Controller Phillaur, seeking the eviction of the respondents from the tenanted shop bearing No. B-10-330-331 situated in Main Bazar/Naya Bazar, Sabzi Mandi, Nurmahal, Tehsil Phillaur, District Jalandhar. Respondent No. 2 appeared through his counsel

in the petition on 11.11.2020 and filed an application for leave to contest the petition (Annexure P-6). The petitioners then filed the reply to the aforesaid application on 23.02.2021 (Annexure P-9). Subsequently, Respondent No 2 filed an another application, seeking permission to fix the iron shed on the upper portion of the shutter and in front of the shop in question to prevent sunshine and rain water entering in the tenanted shop, as well as to serve Respondent No. 1 through substituted means. The petitioners filed the reply (Annexure P-13) on 22.3.2021 to an application, seeking permission to affix iron shed and consideration on the application for leave to contest. Thereafter, the petition was adjourned from time to time due to spread of Covid-19 pandemic. After some time, normal functioning of Courts resumed and arguments on the application seeking permission to fix the iron shed on the upper portion of the shutter and in front of the shop were heard and the same was dismissed on 27.10.2021 (Annexure P-25) and thereafter, the petition was posted for hearing on application for leave to contest on 17.11.2021 (Annexure P-26). On non-appearance of Respondent No.1, he was proceeded against *ex-parte* on 15.07.2022.

4. Learned counsel submitted that since then, several adjournments have been given to address arguments on the application for leave to contest. It is, therefore, prayed that learned Rent Controller be directed to decide the application in a time- bound manner.

5. I have heard the learned counsel for the petitioners and with his able assistance, have gone through the paper-book.

6. Perusal of the records shows that the learned Rent Controller has given numerous adjournments for addressing arguments on application for leave to contest. The provisions of Section 38 of The Punjab Rent Act, 1995, as amended up to date, prescribe the procedure to be followed by the

Rent Authority/Rent Controller to hear the eviction application. Section 38(8) mandates that the Rent Controller should endeavor to conclude the hearing and dispose of the petition within six months of its filing. Further, Sub-section (3) of Section 38 also stipulates that learned Rent Controller shall not ordinarily allow more than three adjournments at the request of a party throughout the proceedings, and shall also order the other party to pay the reasonable cost.

7. In the light of the aforementioned provisions, the learned Rent Controller is directed to decide the application for leave to contest (Annexures P-6) moved by respondent No. 2 on the already scheduled date i.e. 05.04.2024 before the learned Court, or any other date convenient to the Court but not exceeding fifteen days thereafter. Needless to mention, the concerned parties shall cooperate with the learned Court in deciding the matter expeditiously.

8. Petition stands disposed of accordingly.

9. In view of the disposal of the main petition, pending applications, if any, stand disposed of accordingly.

March 06, 2024

pj

**(RITU TAGORE)
JUDGE**

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*