

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

CR No.1466 of 2024 (O&M)

Date of Decision: 10.04.2024

Inderjit Singh

.....Revisionist-Petitioner.

Versus

Sandeep Kaur

.....Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Anoop Singla, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-tenant (here-in-after to be referred as 'the tenant') has assailed the order (Annexure P-3) passed by learned Civil Judge (Junior Division)/Rent Controller, Moga (for short 'the Rent Controller') on 11.01.2024 in ***Rent Petition No.7 of 2022*** titled as '***Sandeep Kaur vs. Inderjit Singh***', whereby his (tenant's) right to defend therein has been struck-off, while observing that he had failed to file the written-reply despite availing sufficient opportunities for this purpose.

2. I have heard learned counsel for the petitioner-tenant in the present revision-petition, at the preliminary stage and have also perused the file carefully.

3. Though, the tenant failed to file his written-reply well in time but keeping in view the fact that if he is deprived of his valuable right to file the

same to defend himself in the afore-said Rent Petition, he shall suffer an irreparable loss that may further result in/lead to the mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if he (tenant) is granted one more opportunity to file his written-reply but subject to payment of cost to the respondent-landlady (here-in-after to be referred as 'the landlady').

4. Resultantly, without issuing notice to the landlady so as to avoid any further delay in the adjudication of the above-mentioned Rent Petition and also to avert the expenses that she may have to incur to defend in this petition, the impugned order dated 11.01.2024 is set-aside and the instant revision-petition is hereby disposed of with a direction to the Rent Controller to afford only one opportunity to the tenant to file his written-reply in the afore-said Rent Petition but the payment of the cost of Rs.5,000/- to the landlady shall be a condition precedent for doing so and in case of default on the part of the tenant in filing his written-reply or in the payment of cost on the date as may be scheduled by the Rent Controller for this purpose, he shall not be entitled to any further opportunity for the same.

5. It is also clarified here that in the eventuality of the landlady feeling aggrieved by this order, she shall be at liberty to move an appropriate application to contest the present revision-petition.

April 10, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*