



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

130

CR-3781-2024

Date of Decision: 10.07.2024

VIVEK KAMBOJ AND ANOTHER**.....Petitioners****Vs.****BAWA KAPOOR AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr.C.M.Munjhal, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Ejectment petition under Section 13 of The Haryana Urban Control of Rent and Eviction Act, 1973 was filed by landlord-Bawa Kapoor (respondent No.1 herein) against the tenant M/s C.L. Hospitality and another (petitioners and respondent Nos. 2 to 4 herein), on various grounds. The tenants were proceeded ex parte. The exparte proceedings were set aside vide order dated 21.02.2024 subject to ₹50,000/- as cost. The matter was adjourned to 28.02.2024 for filing reply to the petition and also for payment of cost. However, on the adjourned date of 28.02.2024, neither the cost was paid and nor the reply was filed and in the circumstances, learned Rent Controller by way of the impugned order dated 28.02.2024, struck off the defence of the tenants (respondent before Rent Controller).

Assailing the aforesaid order, learned counsel for the petitioners pray for one opportunity to file the reply to the main petition submitting that the order dated 21.02.2024 was not conveyed to the tenants. Learned counsel also informs that as per the instructions available with him, even prior to filing of the petition on 12.11.2021, the petitioners had already vacated the



premises and that they want to contest this petition so that landlord does not claim the rent.

Learned counsel for the petitioners has also informed that the next date of hearing before the learned Rent Controller is 31.08.2024 for *ex parte* arguments.

Considering the submissions made by learned counsel for the petitioner, this petition is hereby disposed of by setting aside the impugned order dated 28.02.2024 and by directing the trial Court concerned to grant one opportunity to the petitioners (tenant before trial Court), to file the written statement. This is subject to the condition that on day to be fixed by the Court concerned, the cost of ₹50,000/- earlier imposed by the Court shall be paid in addition to ₹10,000/- being imposed today. The petitioners-tenants shall file the written statement along with the demand draft of ₹ 60,000/- in favour of the respondent No.1 - landlord. On filing this demand draft, the reply of tenants shall be taken on record.

Since this order has been passed without issuing any notice to the contesting respondent (landlord) of this petition, in order to avoid any delay, therefore, respondent will be at liberty to approach this Court in case he feels aggrieved by this order.

10.07.2024

pry

(DEEPAK GUPTA)
JUDGE

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