

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.1158 of 2022 (O&M)

Date of Decision: 07.02.2024

M/s Madan Lal Vishwa Mittar

...Revisionist-petitioner

Versus

Vipin Kumar Mahajan and others

...Respondents

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

Present:- Mr. Karan Vir Nanda, Advocate
for the revisionist-petitioner.

Mr. Anuj Raura, Advocate
for respondent No.1.

MEENAKSHI I. MEHTA, J.

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner Firm-tenant (here-in-after to be referred as 'the tenant') has laid challenge to the order (Annexure P-5) as passed by learned Rent Controller-cum-Civil Judge (Junior Division), Chandigarh (for short 'the Rent Controller') on 08.09.2021 in *Rent Petition No.136 of 2019* titled as '*Vipin Kumar Mahajan vs. M/s Madan Lal Vishwa Mitter etc*', whereby its right to defend has been struck-off, while observing that it had appeared on 07.05.2019 but had failed to file its written-statement and thus, intended to delay the proceedings in the above-said petition.

2. I have heard learned counsel for the petitioner-tenant and learned counsel for respondent No.1-landlord ((here-in-after to be referred as 'the landlord') in the present revision-petition and have also perused the file carefully.

3. Learned counsel for the petitioner-tenant contends that due to some unavoidable circumstances, the tenant could not file its written-statement well in time but the impugned order qua striking-off its defence is a harsh one and therefore, the same deserves to be set-aside.

4. Per contra, learned counsel for respondent No.1-landlord argues that the tenant did not file the written-statement within the statutory period, with a view to harass the landlord by delaying the adjudication of the afore-referred Rent Petition, as moved by him for seeking the ejectment of the petitioner-tenant and proforma-respondents No.2 and 3 and it being so, the impugned order is perfectly legal and justified.

5. The landlord had filed the above-said Rent Petition in April, 2019. As categorically mentioned in the impugned order itself, the tenant appeared therein on 07.05.2019 and then, it availed numerous opportunities till 08.09.2021, i.e for almost two years and four months, to file the written-statement/Reply but had failed to do so. In these circumstances, this Court is of the considered opinion that no cogent ground is made out for granting any further opportunity to the tenant for the above-mentioned purpose.

6. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

07.02.2024
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No