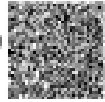


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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2025.PHHC:005569



**CR-213-2025 (O&M)
Date of decision: 16.01.2025**

RISHASB KUMAR (RISHI)

..Petitioner

Versus

SURJEET ANAND AND ANR

..Respondents

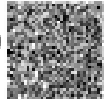
CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Sharma, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is a tenant. The Rent Controller has struck off his defence as he failed to file reply to the main petition and reply to application for striking off his defence. The impugned order was passed in petitioner's presence when learned counsel representing him withdrew his power of attorney. It has been noticed that rent petition seeking eviction of the tenant (petitioner) for non-payment of rent was filed on 31.08.2023. The petitioner entered appearance in the rent petition through his counsel on 10.10.2023 and thereafter, sought various adjournments for filing reply to the main rent petition, however, no reply was filed on 31.11.2023, 08.01.2024, 07.02.2024 and 23.03.2024. At that stage, an application for striking of petitioner's defence was filed by the landlord and opportunity was given to the petitioner to file reply to the application for striking of his defence. On 21.08.2024, he did not file reply either to the application or the main petition. Same was the position on 04.10.2024.

2. Learned counsel representing the petitioner submits that the petitioner's counsel was unhappy on account of petitioner's inability to pay his counsel's fee in entirety. However, the Court failed to give opportunity



to the petitioner to engage another counsel and contest the petition. He submits that subsequently, the petitioner was provided with a legal aid counsel as he did not have/had wherewithal to engage another counsel.

3. This Court has considered the submissions of learned counsel for the petitioner.

4. There is some substance in the argument of learned counsel for the petitioner. On 12.11.2024, the petitioner was required to be given opportunity to engage another counsel or file reply. The only complaint against the petitioner is for non-payment of rent. The previous petition filed by the landlord on the similar ground was withdrawn.

5. Keeping in view the aforesaid facts, the revision petition is allowed. The impugned order is set aside. The petitioner is granted one more opportunity to file written statement as well as reply to the application for striking off defence. Reply to the main petition as well as application for striking off defence be filed within a period of one week with a copy in advance to learned counsel representing the landlord. This opportunity shall subject to payment of cost of Rs.500/- to be paid to the opposite party.

6. Since this order has been passed without issuing notice to the respondent, hence, he will have liberty to file application for recall of the order.

7. All the pending miscellaneous applications, if any, are also disposed of.

January 16th, 2025

Ay

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*