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

CR-3899-2025 (O&M)

Date of Decision : 11.08.2025

ARVIND KUMAR JALOTA

.... Petitioner

VERSUS

RAKESH KUMAR GOYAL

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rahul Soi, Advocate for the petitioner.

Mr. Akhil Ahuja, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed challenging the order dated 13.12.2024 passed by the Rent Controller vide which the defence of the tenant-petitioner was struck off for non-filing of the reply to the rent petition.

2. Learned counsel for tenant-petitioner has contended that given one opportunity, the tenant-petitioner would file his reply on or before the next date of hearing fixed before the Rent Controller concerned.

3. *Per contra*, learned counsel for the landlord-respondent would contend that despite having put in appearance on 04.11.2022, the reply to the rent petition was not filed on the pretext that the tenant-petitioner wanted to challenge the order dismissing his application under Order VII Rule 11 CPC. Learned counsel would further contend that even the provisional rent has not been assessed till date and the last rent paid was only in July 2019.

4. Heard.

5. The Hon'ble Supreme Court in the case of **Desh Raj vs. Balkishan (D) through proposed LR Ms. Rohini [2020 (1) RCR (Civil) 807]** has held as under :

“ANALYSIS & CONCLUSION

11. At the outset, it must be noted that the Commercial Courts Act, 2015 through Section 16 has amended the CPC in its application to commercial disputes to provide as follows:

“16. Amendments to the Code of Civil Procedure, 1908 in its application to commercial disputes.-

(1) The provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall, in their application to any suit in respect of a commercial dispute of a Specified Value, stand amended in the manner as specified in the Schedule.

(2) The Commercial Division and Commercial Court shall follow the provisions of the Code of Civil Procedure, 1908 (5 of 1908), as amended by this Act, in the trial of a suit in respect of a commercial dispute of a specified value.

(3) Where any provision of any Rule of the jurisdictional High Court or any amendment to the Code of Civil Procedure, 1908, by the State

Government is in conflict with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), as amended by this Act, the provisions of the Code of Civil Procedure as amended by this Act shall prevail.”

12. Hence, it is clear that post coming into force of the aforesaid Act, there are two regimes of civil procedure. Whereas commercial disputes [as defined under Section 2(c) of the Commercial Courts Act, 2015] are governed by the CPC as amended by Section 16 of the said Act; all other noncommercial disputes fall within the ambit of the unamended (or original) provisions of CPC.

13. The judgment of Oku Tech (supra) relied upon the learned Single Judge is no doubt good law, as recently upheld by this Court in SCG Contracts India Pvt. Ltd. v. KS Chamankar Infrastructure Pvt. Ltd., AIR 2019 SC 2691, but its ratio concerning the mandatory nature of the timeline prescribed for filing of written statement and the lack of discretion with Courts to condone any delay is applicable only to commercial disputes, as the judgment was undoubtedly rendered in the context of a commercial dispute qua the amended Order VIII Rule 1 CPC.

14. As regard the timeline for filing of written statement in a non-commercial dispute, the observations of this Court in a catena of decisions, most recently in Atcom Technologies Ltd. v. Y.A. Chunawala and Co., (2018) 6 SCC 639 holds the field. Unamended Order VIII Rule I, CPC continues to be directory and does not do away with the inherent discretion of Courts to condone certain delays.”

6. Keeping in view the nature of the dispute and to do complete justice between the parties, this Court deems it appropriate to grant one opportunity to the tenant-petitioner to file his reply on or before the next date fixed before the Rent Controller concerned subject to payment of ₹50,000 (rupees fifty thousand) as costs to be paid to the landlord-respondent. The payment of costs shall be a condition precedent for filing of the reply. However, it is made clear that in case the written statement is not filed on or before the next date fixed before the Rent Controller concerned or the costs are not paid, the present revision petition shall be deemed to having been dismissed. Since the matter has been pending from 2022, the Rent Controller concerned is requested not to grant any unnecessary adjournment to either of the parties and to dispose off the matter expeditiously.

7. Needless to say that once the written statement is filed, the evidence of the landlord-respondent would be led afresh.

8. Petition stands disposed off in the above terms. Pending applications, if any, also stand disposed off.

9. Any observations made herein shall not be treated as an expression of opinion on the merits of the case.

11.08.2025

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*