



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6315-2025

Date of decision: 10.09.2025

Vikrant Prabhakar

...Petitioner

Versus

Shri Om Prakash Chopra Since Deceased Through Legal Heirs

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Naveen Kumar, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

1. Petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 was filed by the landlord Vikrant Prabhakar (petitioner herein) seeking ejectment of tenant Om Parkash from the demised shop. The said Om Parkash was proceeded ex-parte on 24.02.2023. Said respondent-tenant Om Parkash having expired on 24.04.2023, an application to bring on record his LRs was moved, which was allowed by the Ld. Rent Controller on 18.11.2024.

2. Apart from the above, an application was also moved by one of the LR Prabha Chopra i.e. wife of deceased Om Parkash for setting aside the ex-parte order dated 24.02.2023.

3. Learned Rent Controller by way of the impugned order dated 18.04.2025 after taking the amended title, straightway adjourned the matter for filing the reply on behalf of the respondents, without specifically dealing with the application dated 17.05.2023 which was moved for setting



aside the ex-parte proceedings.

4. Assailing the aforesaid order, learned counsel for the petitioner-landlord submits that he has no grievance against the order whereby the LR's of the respondents were brought on record. However, the Rent Controller has not considered the application for setting aside the ex-parte proceedings on merits.

5. Perusal of the impugned order would reveal that Learned Rent Controller simply mentioned that as the LR's of the deceased respondent had been brought on record, therefore, the application moved earlier for setting aside the ex-parte proceedings also stands disposed of, without giving any reasons whatsoever.

6. Having considered the aforesaid submissions and having noticed the facts, the impugned order dated 18.04.2025 is hereby set aside to the extent whereby the ex-parte proceedings against the respondent have been set aside. This order has been passed without issuing any notice to the respondents, lest it may delay the proceedings before the Rent Controller. Ld. Rent Controller shall pass a fresh order on the application dated 17.05.2023 for setting aside the ex-parte proceedings by passing a reasoned order. In case, the respondents are aggrieved by this order, they will be at liberty to approach this Court.

7. Disposed of.

10.09.2025

Yogesh

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No