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

CR-2434-2023 (O&M)

Reserved on : 04.02.2026

Date of Decision : 25.02.2026

Judgment Uploaded on : 25.02.2026

Whether only the operative part of the judgment is pronounced or whether the full judgment is pronounced : Full

JPS Chadha

... Petitioner(s)

VERSUS

Rajinder Singh Koura & Anr

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.N. Chopra, Advocate for the petitioner.

Mr. Anil Sharma, Advocate for the respondents.

ALKA SARIN, J.

1. The present revision petition has been filed by the JD-tenant-petitioner under Article 227 of the Constitution of India aggrieved by the impugned order dated 05.04.2023 (Annexure P-1) on account of dismissal of his application filed under Order 13 Rule 10 of the Code of Civil Procedure, 1908 (CPC).

2. Brief facts relevant to the present *lis* are that the landlord-respondents filed an ejectment petition on 17.04.2013 under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'Punjab Rent Act') as applicable to Chandigarh seeking eviction of the tenant-petitioner from House No.2987/2, Second Floor, CAT I, Sector 42-C, Chandigarh. The tenant-petitioner herein, who is an advocate, did not appear

despite service and was proceeded against *ex-parte* vide order dated 10.12.2013. Vide order dated 15.05.2014 the ejectment petition was allowed *ex-parte* and the tenant-petitioner herein was directed to handed over vacant possession within a period of three months. Execution petition was filed. Thereafter, an application was filed under Order 9 Rule 13 CPC for setting aside the *ex-parte* order dated 15.05.2014. The said application was dismissed vide order dated 17.12.2014. The tenant-petitioner herein filed CR-710-2015 which was allowed by this Court vide order dated 29.11.2016 and the *ex-parte* order was set aside. Thereafter, the tenant-petitioner filed his written statement and stepped into the witness box himself as RW1 and examined one Manoj Kumar, Clerk, Record Room, District Courts, Chandigarh as RW2. However, thereafter the tenant-petitioner failed to appear and was once again proceeded against *ex-parte* vide order dated 01.11.2019. The ejectment petition was again allowed *ex-parte* vide order dated 22.11.2019. Execution petition was filed by the landlord-respondents. On 20.02.2020 the tenant-petitioner herein preferred an application under Order 9 Rule 13 CPC. In the execution petition the tenant-petitioner herein filed an application under Order 13 Rule 10 CPC stating therein that he had applied for a certified copy of the order dated 22.11.2019 passed by the Rent Controller vide application dated 03.02.2020. However, no intimation had been received qua the preparation of the certified copy. It was further averred in the application that since page Nos.7 and 8 of the order dated 22.11.2019 were not signed by the Rent Controller, hence, the copy was not supplied to the tenant-petitioner. It was further averred that since the certified copy was not supplied, the statutory right of the JD-tenant-

petitioner to file an appeal was being rendered nugatory. The said application was dismissed vide the impugned order dated 05.04.2023. Hence, the present revision petition.

3. Learned counsel for the tenant-petitioner would contend that as per the High Court Rules and Orders, it is incumbent on the Presiding Officer to sign every page and since all the pages were not signed, certified copy could not be given to the tenant-petitioner, hence, depriving him of his right to file an appeal.

4. *Per contra*, learned counsel for the landlord-respondents would contend that the landlord-respondents have been suffering and have been unable to get the possession of their property since 2019.

5. After the arguments had been addressed by the parties, the matter was reserved. This Court deemed it fit to call for the original record. The facts, as narrated above, have now been culled out from the original record as the factum of the earlier *ex-parte* eviction order and setting aside of the same have not been mentioned in the present revision petition.

6. I have heard the learned counsel for the parties.

7. In the present case the tenant-petitioner herein was initially proceeded against *ex-parte* on 10.12.2013 and vide order dated 15.05.2014 the ejectment petition was allowed *ex-parte*. Thereafter, an application filed under Order 9 Rule 13 CPC for setting aside the *ex-parte* order dated 15.05.2014 was dismissed vide order dated 17.12.2014. The said order was set aside vide order dated 29.11.2016 passed in CR-710-2015. Subsequently, after examining two witnesses, the tenant-petitioner herein chose not to appear before the Rent Controller and was once again proceeded against *ex-*

parte vide order dated 01.11.2019. An *ex-parte* order of eviction was passed on 22.11.2019. On 20.02.2020 an application was filed by the tenant-petitioner herein for setting aside the *ex-parte* order. In the execution petition an application was filed by the tenant-petitioner under Order 13 Rule 10 CPC stating therein that since the certified copy of the *ex-parte* eviction order dated 22.11.2019 was not supplied to the tenant-petitioner, hence, a valuable right of filing an appeal had been rendered nugatory.

8. Order 13 Rule 10 CPC reads as under :

“10. Court may send for papers from its own records or from other Courts.—(1) The Court may of its own motion, and may in its discretion upon the application of any of the parties to a suit, send for, either from its own records or from any other Court, the record of any other suit or proceeding, and inspect the same.

(2) Every application made under this rule shall (unless the Court otherwise directs) be supported by an affidavit showing how the record is material to the suit in which the application is made, and that the applicant cannot without unreasonable delay or expense obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires, or that the production of the original is necessary for the purposes of justice.

(3) Nothing contained in this rule shall be deemed to enable the Court to use in evidence any document which under the law of evidence would be inadmissible in the suit.”

The application filed by the tenant-petitioner does not fall within the purview of the provisions of Order 13 Rule 10 CPC. Be that as it may, the argument of the learned counsel for the tenant-petitioner that since the certified copy was not supplied, hence, he was deprived of his right to file an

appeal, cannot be accepted. The High Court Rules and Orders itself permit the filing of a memorandum of appeal alongwith an application for exemption from filing the certified copy. The copy of the *ex-parte* eviction order dated 22.11.2019 was uploaded on the website on 12.12.2019. There is no reason forthcoming as to why the tenant-petitioner, when he used the same very copy for filing his application under Order 9 Rule 13 CPC and the present petition, could not use the said copy for filing an appeal alongwith an application for exemption from filing the certified copy. Moreso in the present case where the tenant-petitioner is a lawyer, this fact must have been in his knowledge that an appeal can be filed alongwith an application seeking exemption from filing certified copy. The endeavour, in the present case, seems to be to delay the matter on one pretext or the other. In the impugned order dated 05.04.2023 it has been noticed that the present application was filed by the tenant-petitioner after almost one year of having put in appearance on 16.05.2022. There is nothing on the record to even remotely suggest that the tenant-petitioner made any effort to follow up regarding the certified copy. In any case, as noticed above, there is no bar in filing the appeal alongwith an application for exemption from filing the certified copy as the order had already been uploaded on 12.12.2019. This is a classic case where the landlord-respondents are waiting to reap the fruits of the eviction order in their favour which is being delayed on the basis of hyper-technical pleas being raised by the tenant-petitioner.

9. In view of the above, I do not find any merit in the present revision petition and the same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

10. The Executing Court is directed to dispose off the matter in accordance with law expeditiously and keeping in view the law laid down by the Hon'ble Supreme Court in the case of **Periyammal (dead) through LRs & Ors. Vs. V. Rajamani & Anr. [2025 SCC Online (SC) 507]**. Original record be returned to the Court concerned forthwith.

25.02.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO