

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No.6458 of 2009 (O&M)

Date of Decision : 30.11.2009

Amarjit Singh

.....Petitioner

versus

R.D.Mittal

.....Respondent

CORAM : HON'BLE MR.JUSTICE SURYA KANT.

Present : Mr.P.K.Kukreja, Advocate, for the petitioner.

Mr.R.K.Jain, Advocate, for the respondent.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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**ORDER**

Surya Kant, J. (Oral)

This revision petition is directed by the petitioner-tenant against the order dated 5.10.2009 dismissing his application to recall the order dated 16.12.2008, whereby his defence was struck off for non-filing of the written statement, has been turned down by the Rent Controller, Chandigarh.

The respondent-landlord has filed an eviction petition in which the petitioner was duly served and he appeared through counsel. The records reveal that the petitioner in stead of filing the written statement, has been moving one after the other applications in order to delay the proceedings. In these circumstances, the Rent Controller was

apparently justified to strike off his defence.

Learned counsel for the petitioner points out that soon after the passing of the order dated 16.12.2008, the petitioner moved an application on 11.2.2009 to recall the said order. The written statement was also duly appended with that application.

I am of the considered view that since the respondent-landlord's evidence is yet to start, it would be in the interest of justice to accept the above stated written statement already filed on behalf of the petitioner-tenant, though he deserves to be burdened with exemplary costs for his deliberate and motivated attempts made through his counsel to delay the proceedings.

For the reasons afore-stated, the revision petition is allowed; the impugned orders dated 5.10.2009 and 16.12.2008 are set-aside and the written statement already filed by the petitioner-tenant is ordered to be taken on record subject to payment of costs of Rs.25,000/- to the respondent-landlord. In case the petitioner does not pay the costs on the date fixed before the Rent Controller, Chandigarh, his defence shall remain struck off and no further opportunity shall be granted to him in any of the circumstances.

Dasti.

30-11-2009

*Mohinder*

(SURYA KANT)  
JUDGE