



CR-822-2025 (O&M)

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

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**CR-822-2025 (O&M)
Reserved on :- 26.08.2025
Decided on :- 01.09.2025**

Rajesh Singh

...Petitioner

VERSUS

Brij Mohan Dhall and Another

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Ms. Puja Chopra, Advocate for the petitioner.

Ms. Parunjeet Singh, Advocate for the respondents.

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MANDEEP PANNU J.

1. The present revision petition has been filed by the petitioner/tenant challenging the order dated 11.12.2024 passed by the learned Rent Controller, Ludhiana, as well as all consequential proceedings including the order dated 23.12.2024 and the ejectment judgment dated 23.12.2024.

Brief Facts

2. The respondent/landlord filed an ejectment petition against the petitioner/tenant before the learned Rent Controller, Ludhiana. The petitioner appeared through counsel on 11.10.2021. An application under Section 38(7) of the Punjab Rent Act, 1995 seeking leave to defend was filed on 24.01.2022/11.02.2022, accompanied by an application for condonation of delay. The landlord filed reply to the same. After hearing both sides, the learned Rent Controller dismissed the application for leave to defend by order dated 11.12.2024.

**Submissions of the Petitioner**

3. Learned counsel for the petitioner contends that the order dated 11.12.2024 was not uploaded on the website of the District Court, Ludhiana, and till the filing of the present revision petition, the same continued to reflect an error message. According to him, he was informed by his counsel that the Rent Controller was likely to decide the application for condonation of delay first, but on 23.12.2024, he was surprised to learn that the leave to defend application already stood dismissed on 11.12.2024. On 23.12.2024, the Rent Controller noted that no review petition had been filed within the statutory period and consequently passed the ejectment order against the tenant.

4. Learned counsel further submits that the final order dated 23.12.2024 was uploaded only on 05.01.2025 and that due to non-uploading of the earlier order, he was deprived of an opportunity to file review petition within the prescribed period of 10 days as contemplated under Section 38(7)(b) of the Punjab Rent Act, 1995. He further argued that the petitioner had raised several arguable issues in his application for leave to defend which deserved consideration, but the same were dismissed without affording proper opportunity. He contended that in the interest of justice, the petitioner deserves to be granted time to file review petition.

Submissions of the Respondent

5. *Per contra*, learned counsel for the respondent/landlord submitted that the present revision petition is an afterthought. It was pointed out that the order dated 11.12.2024 dismissing the application for leave to defend was pronounced in open Court in the presence of counsel for the petitioner/tenant, who argued the matter at length. The petitioner was thus fully aware of the dismissal of his



application. Despite such knowledge, he did not avail of the statutory remedy provided under Section 38(7)(b) of the Punjab Rent Act.

6. It was further argued that as per Section 38(7)(b) of the Rent Act, where leave to contest is denied to a tenant, the law specifically provides that the tenant may file an application for review before the Rent Authority within 10 days of such denial, and the Rent Authority is to endeavour to decide such review within seven days. The statutory mandate is clear and time-bound. The petitioner, despite knowledge of the order, failed to file the review petition and cannot now be permitted to defeat the legislative intent by seeking indulgence in revision. It was contended that the plea regarding non-uploading of the order on the website is a hollow excuse, because the order was pronounced in open Court, and if the petitioner wanted, he could have applied for a certified copy of the same. It was further argued that screenshots produced by the petitioner are of no consequence as they do not establish that the order was not available to him. The revision petition was therefore prayed to be dismissed.

Conclusion

7. I have considered the rival submissions and gone through the record.

8. It is not in dispute that the order dated 11.12.2024 was passed on the application for leave to defend filed by the petitioner. The record reveals that counsel for the petitioner was present and had argued the matter before the Rent Controller. The order was thereafter pronounced in open Court on the same day. It is thus apparent that the petitioner, through his counsel, had due knowledge of the passing of the impugned order.

9. Section 38(7)(b) of the Punjab Rent Act, 1995, is clear in its language. It provides that where the Rent Authority refuses to grant leave to defend, the



tenant may file an application for review before the Rent Authority within 10 days of such denial. The provision is couched in mandatory terms and is intended to ensure speedy disposal of rent cases, which are in their nature summary proceedings. The statute has fixed a strict time limit of 10 days and cannot be diluted by permitting belated review applications on vague pleas.

10. The petitioner's contention that the order was not uploaded on the website cannot come to his rescue. The requirement under the law is not that an order must be uploaded online. The requirement is that the order be pronounced in Court, which was admittedly done in this case. If the petitioner or his counsel desired a copy of the order, it was always open to them to apply for a certified copy. No such application was made. The petitioner cannot, therefore, plead ignorance or unavailability of the order to justify his inaction.

11. The legislative intent behind Section 38(7)(b) of the Act is to afford one final and limited opportunity to the tenant to seek review of the order refusing leave to defend, but this opportunity has to be exercised within 10 days. Once the tenant allows that period to lapse despite knowledge of the order, the Rent Authority is justified in proceeding to pass the ejectment order. The Rent Controller has rightly noted in the order dated 23.12.2024 that no review petition was filed within 10 days, and accordingly passed the ejectment order.

12. The reliance placed by the petitioner on screenshots of the website is misplaced, as those screenshots do not conclusively establish that the order was unavailable to him. The determinative fact remains that the order was pronounced in open Court, which constitutes sufficient communication of the order.

13. In view of the above, the plea raised by the petitioner is nothing but an afterthought to overcome the consequences of his own inaction. The petitioner,



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despite knowledge of the dismissal of his leave to defend application, failed to act within the statutory period. The Rent Controller's orders dated 11.12.2024 and 23.12.2024 suffer from no illegality or perversity.

14. Accordingly, the revision petition is dismissed. No ground is made out to interfere in the well-reasoned orders of the Rent Controller

15. Pending application(s), if any, also stand disposed of.

September 01, 2025
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(MANDEEP PANNU)
JUDGE

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