



CR-5360-2024 (O&M)

-1-

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

205

CR-5360-2024 (O&M)

Date of decision: 27.03.2025

Sanjeev Kumar

... Petitioner

Vs.

Roop Lata and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Inderjeet Singh, Advocate
for the petitioner.

Mr. Abhishek Kaushik, Advocate for
Mr. Vipul Jindal, Advocate
for the respondents

SUVIR SEHGAL J.

1. This revision petition has been filed under Article 227 of the Constitution of India, for setting aside order dated 22.08.2024, Annexure P-7, passed by Additional Civil Judge, Senior Division, Yamuna Nagar, whereby defence of petitioner/defendant has been struck off and it has been ordered that written statement filed by him shall not be considered.

2. Counsel for the petitioner submits that the



petitioner/defendant is a tenant on the first floor of a building in Model Town, Yamuna Nagar, under the defendants/plaintiffs, who have filed a suit for possession and recovery of arrears of rent amounting to Rs.1,05,000, besides mesne profit. Counsel asserts that the petitioner was never in arrears and rent from July, 2023 was paid in cash, but respondents are denying its payment. Counsel states that on an application filed by the defendant under Order 15 Rule 5 CPC, without appreciating that the rent stood paid, Trial Court passed the impugned order. Counsel states that rent for the disputed period has also been deposited during the pendency of the revision petition and the petitioner may be permitted to participate in the proceedings and written statement filed by him be taken into consideration.

3. Upon instructions, counsel for the respondents has conceded that the arrears have been deposited in the shape of a cheque with the Court, but submits that as there has been a delay, petitioner is bound to pay interest for the delayed period. Calculating interest @ 6% per annum, counsel states that petitioner is liable to make a payment of Rs.26,675/-.

4. Having heard counsel for the parties, this Court is of the view that as the arrears of rent have been paid, the foundation of the impugned order does not survive and the impugned order cannot be sustained. Accordingly, impugned order is set aside and



CR-5360-2024 (O&M)

-3-

petitioner/defendant is granted permission to participate in the proceedings. Written statement filed by the petitioner shall be considered by the trial Court at the appropriate stage. This will however, be subject to payment of Rs.26,675/- to the defendants on or before 15.04.2025. Trial Court shall release the cheque to the respondents/plaintiffs.

5. Revision petition is disposed off.

27.03.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No