



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

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CR-3340-2025

Date of Decision: 28.05.2025

**Jagjeet Singh Grewal**

....Petitioner

Versus

**Sandeep Singh Grewal**

....Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

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**Present:** Mr. Vrishank Suri, Advocate  
for the petitioner.

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**VIKAS SURI, J. (Oral)**

1. This revision petition has been filed under Article 227 of the Constitution of India challenging order dated 07.05.2025 (Annexure P-12), passed by the learned Rent Controller, Ludhiana, whereby the application filed by the petitioner-tenant for setting aside the *ex parte* proceedings dated 21.02.2025 (Annexure P-10), has been partly allowed, but striking off the defence of the petitioner, ordered in the earlier part of the same order, has not been recalled.

2. The brief facts of the case for the purpose of determining the *lis*, as pleaded in the present revision petition, are that the respondent filed a petition under Section 20 of the Punjab Rent Act, 1995, against the petitioner-tenant on the ground of alleged arrears of rent regarding the demised premises bearing No.B-XX-4543, measuring 218 sq. yards, 52-J, Sarabha Nagar,



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Ludhiana. It is further pleaded that as per the terms of the tenancy, the petitioner-tenant had paid the rent for the period 01.10.2018 to 31.10.2019 at the rate of 20,000/- per month, for the period 01.10.2019 to 30.09.2020 at the rate of Rs.22,000/- per month, and thereafter, the rent was paid at the rate Rs.24,200/- per month for the period 01.10.2020 to 31.01.2021. The petitioner-tenant is in arrears of rent w.e.f. 01.02.2021, which has accumulated to Rs.1,93,600/- at the rate of Rs.24,200/- per month for the period 01.02.2021 to 30.09.2021; to Rs.3,19,440/- at the rate of Rs.26,620/- per month for the period 01.10.2021 to 30.09.2022 and Rs.3,51,384/- at the rate of Rs.29,282/- per month for the period 01.10.2022 to 30.09.2023 and Rs.1,93,200/- at the rate of Rs.32,210/- per month for the period 01.10.2023 to 31.03.2024. The aforesaid arrears totaling to Rs.10,37,624/-.

3. Upon notice of the rent petition, the petitioner-tenant put in appearance and sought time to file written statement. However, he absented from the proceedings and was proceeded against *ex parte* vide order dated 07.01.2025. The petitioner-tenant moved the application on 21.01.2025 for recalling of the aforesaid *ex parte* proceedings initiated against him, which was allowed vide order dated 10.02.2025. The matter was thereafter adjourned to 21.02.2025 for filing written statement. However, the office of the counsel for the petitioner-tenant inadvertently noted the wrong date and entered the case in the Advocate's diary along with the cases listed for 12.03.2025 (Annexure P-13). On the date noted, as the matter was not listed in the cause list, on making inquiry, it transpired that the hearing took place on 21.02.2025. Since the written statement had not been filed and the costs awarded vide



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order dated 10.02.2025 had not been paid, the defence of the respondent was struck off and he was again proceeded against *ex parte*.

3.1 On 25.03.2025, the petitioner-tenant had moved an application for setting aside the supra *ex parte* order dated 21.02.2025. In his application (Annexure P-11) seeking recall of the *ex parte* proceedings, he specifically prayed that the *ex parte* order may kindly be set aside and the case be fixed for proper proceedings.

3.2 Upon notice of the subsequent application, the same was opposed by the respondent-landlord by filing reply. The earlier conduct of the tenant was highlighted in the reply to contend that the present application had been filed just to delay the rent proceedings.

3.3 After considering the submissions of both the parties, the learned Rent Controller vide order dated 07.05.2025 was of the opinion that the absence of the tenant-respondent was neither intentional nor willful, but was due to the reason mentioned in the application i.e. the Clerk of the counsel having noted the date 12.03.2025 as the next date, instead of 21.02.2025.

4. Learned counsel for the petitioner has argued that the learned trial Court ought to have allowed the application in *toto* and not partly. It is further submitted that having been satisfied that the absence of the tenant-respondent was neither willful nor deliberate, the order dated 21.02.2025 ought to have been set aside in entirety. It is argued that the explanation for the petitioner's absence on 21.02.2025, formed the basis for passing the said order, which is in two parts. Therefore, treating the same reason differently for two parts of the same order, amounts to legal infirmity, which has caused prejudice to the



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petitioner herein.

5. I have heard learned counsel for the petitioner and with his able assistance, perused the record.

6. The proceedings before the learned Rent Controller stand adjourned to 04.07.2025, for evidence of the petitioner. Admittedly, the respondent was proceeded *ex parte* vide order dated 07.01.2025, the operative part of which reads as under:

“Today the case was fixed for filing written statement. Perusal of the file transpires that case has been fixed for filing written statement vide dated 08.10.2024 and despite that the respondent has not bothered to file the written statement till date. Even today, none has appeared on behalf of respondent. Hence, this court finds that the respondent is misusing the process of court. Accordingly, the defence of respondent is hereby struck off.

Further, case called several times since morning. It is already 04:30 PM, but none has appeared on behalf of respondent today. Hence, respondent is ordered to be proceeded against *exparte*.

Now to come upon 22.01.2025 for *exparte* petitioner evidence.”

7. On an application having been filed for recalling of the supra order, the same was allowed vide order dated 10.02.2025 (Annexure P-9), and after allowing the same, the respondent had again failed to appear before the learned trial Court. Hence, he was proceeded *ex parte* for the second time vide order dated 21.02.2025, the operative part of which reads as under:

“Today the case was fixed for filing written statement. However, none has appeared on behalf of respondent today. Record transpires that on late date of hearing application of respondent for setting aside *exparte* order dated 07.01.2025 was



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allowed and case was fixed for filing written statement. However, today again none has appeared on behalf of respondent either to request for adjournment or to file written statement. Even cost of Rs.2000/- was also imposed upon him on the last date but respondent has not bothered to tender the same. It seems that respondent is not interested in further pursuing this case and is misusing the process of court. Accordingly, the defence of respondent is hereby struck off.

Further, as none has appeared on behalf of respondent till 4:30 PM today. Hence, respondent is ordered to be proceeded against exparte. Now to come upon 11.03.2025 for exparte petitioner evidence.”

8. Having given a thoughtful consideration to the submissions advanced on behalf of the petitioner-tenant and having perused the record, this Court is of the opinion that order dated 21.02.2025 was a composite order comprising two parts. Both the parts of the said order stemmed from the same cause, namely petitioner’s absence and his failure to deposit costs in terms of order dated 07.01.2025. Once the learned Rent Controller accepted the explanation offered by petitioner-tenant, order dated 21.02.2025 ought to have been recalled in its entirety. Consequently, the proceedings should have been restored to the stage immediately following the passing of order dated 07.01.2025. The failure to do so, has resulted into irregularity and perversity, which if allowed to stand, would severely prejudice the petitioner-tenant.

9. Keeping in view that the matter before the learned Rent Controller is now pending for 04.07.2025 and further in the light of the above discussion, the instant petition deserves to be allowed. Resultantly, the present petition is disposed of at this stage itself and the impugned order dated



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07.05.2025 (Annexure P-12) is set aside, subject to costs of Rs.10,000/- to be paid to the respondent-landlord. It is further clarified that the aforesaid cost includes the amount of costs of Rs.2,000/-, assessed by the learned Rent Controller. It is made clear that failing to file the written statement or to pay costs in terms of this order, the petitioner-tenant would not be entitled to any further opportunity for the said purpose and the trial Court would proceed with the matter without this order having any bearing on the trial.

10. As the present revision petition is being disposed in the absence of the respondent, liberty is granted to him to seek recalling of the present order, if valid grounds for the same are made out.

11. The revision petition is disposed of in the aforesaid terms.

**May 28, 2025**

*Varinder*

**(VIKAS SURI)  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No