

**122 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CM-7568-CII-2025 in/and
CR-3857-2024****Date of Decision: May 06, 2025****Jasvir Singh****. . . . Petitioner**

Vs.

Krishan Lal

.. . . RESPONDENT**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. H.P. Singh, Advocate for the petitioner.**DEEPAK GUPTA, J.****CM-7568-CII-2025**

This is an application under Section 151 CPC for pre-poning of the date fixed in the main petition, i.e., CR-3857-2024, from 13.05.2025 to some earlier date.

For the reasons as mentioned in the application, the same is allowed. The main petition is pre-poned from 13.05.2025 to today, i.e., 06.05.2025 and is taken on Board today itself.

CR-3857-2024

Petitioner herein is the tenant against whom petition under Section 13 of the East Punjab Urban Rent Restriction Act was filed by the landlord – Krishan Lal (*respondent herein*) seeking his ejection from demised premises on various grounds.

2. Petitioner has assailed the order dated 24.01.2024 (*Annexure P-2*), whereby his defence has been struck off by the trial Court.

3. A perusal of the paper book would reveal that despite being served in the petition on 19.09.2023, respondent-tenant (*petitioner herein*) did not appear before the Court and was proceeded *ex parte*. On the

application moved by him for setting aside the *ex parte* proceedings, the Court obliged him by setting aside the *ex parte* order, subject to payment of cost of ₹2,000/- vide order dated 22.11.2023. However, as was noticed by the trial Court in the impugned order dated 24.01.2024 that till that date, neither the cost of ₹2,000/- was paid nor the written statement was filed. No sufficient cause was shown either for non-payment of cost or for non-filing the written statement. It was in these circumstances that defence of the respondent-tenant (petitioner herein) was struck off.

4. Learned counsel contends that this is a mercy petition and that petitioner-tenant be granted one opportunity to file the written statement.

5. This Court does not find any merit in the petition. After going through the paper book, this Court feels that instead of showing mercy to the petitioner, the mercy should be rather shown to the respondent of this petition, i.e., landlord, inasmuch as, it is revealed that the petitioner is leaving no opportunity to delay the proceedings of the ejectment petition, as much as he can possibly do, as has been rightly observed by the trial Court in its impugned order. Initially despite being served, he did not put in appearance before this Court. When *ex parte* proceedings were set aside subject to cost, he did not pay the cost nor filed the written statement despite adequate opportunities. The trial Court has rightly relied upon a Full Bench judgment of this Court in "**Anand Parkash v. Bharat Bhushan Rai and others**", AIR 1981 P&H 269, wherein it was held that it was mandatory for the Court to disallow the defence on failure of the defendant to pay cost.

6. **In the face of aforesaid facts and circumstances, this Court does not find any illegality or perversity in the impugned order. Holding the present revision to be devoid of any merit, the same is hereby dismissed.**

May 06, 2025
Sarita

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No