

2025:PHHC:029351



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

**CR-1299-2024 (O&M)
Decided on:-01.03.2025**

Hemyog Hotels Pvt. Ltd.

....Petitioner ..

vs.

Sh. Rishu Chopra and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Arjun Sangwan, Advocate and
Mr. Divanshu Jain, Advocate,
for the petitioner.

Mr. Dixit Dhiman, Advocate,
for respondents No.1, 3 & 4.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to an order dated 22.11.2023 passed by learned Civil Judge (Junior Division), Chandigarh, whereby, an application under Order VIII Rule 1 of CPC, filed at the instance of petitioner-plaintiff seeking striking of defence of the respondents-defendants, stands dismissed.

2. Briefly stating, in the present case, SCO No.22, Madhya Marg, Sector 22, Chandigarh was leased out by the petitioner-plaintiff being landlord in favour of respondents-defendants being tenants vide lease deed dated 20.04.2016, followed by a dispute between the parties about the payment of arrears of rent, which travelled to the Court of Rent Controller through an eviction petition filed at the instance of petitioner-plaintiff

against the respondents-tenants, wherein, certain assessment of provisional rent was made.

The petitioner-plaintiff having alleged that the arrears towards rent were not cleared, as such, filed a suit for recovery against the respondents on 01.08.2022, wherein, the respondents appeared on 09.09.2022. An application dated 01.03.2023 came to be filed at the instance of petitioner for striking of defence of the respondents for not filing of written statement by respondents. Reply on behalf of the respondents was filed to the application before the trial Court and vide order dated 22.11.2023, the prayer made by the petitioner-plaintiff was dismissed.

3. At the outset, without making any submissions on merits in the present revision petition, learned counsel for the petitioner submits that the suit for recovery, filed at the instance of petitioner-plaintiff is pending before the trial Court since 01.08.2022 and has not proceeded further for want of filing of written statement by respondents-defendants and the petitioner would be satisfied in case, a request is extended to the trial Court to expedite the proceedings therein.

4. Learned counsel for the respondents-defendants submits that an application under Order 1 Rule 10 CPC moved at their instance is pending before the trial Court for seeking impleadment of one Subhash Ahuja, who happened to be the authorized representatives of the petitioner-plaintiff and until and unless the said application is decided the suit cannot proceed further.

5. I have heard learned counsel for the parties and gone through the paper book.

6. Perusal of record transpires that the application under Order 1

Rule 10 CPC was filed on behalf of respondents-defendants only in November 2024 and the petitioner undertakes to file reply thereof on the next date of hearing i.e. 25.03.2025.

7. In such circumstances, considering the fact that the suit was filed on 01.08.2022 and after more than 2½ years, even the stage of filing of written statement by respondents-defendants has not come forth, the trial Court is requested to expedite the proceedings in the suit and dispose of the same as expeditiously as possible.

8. Disposed of accordingly.

9. Pending application, if any, also stands disposed of.

01.03.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No