
(1985) 08 P&H CK 0010
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 792 of 1984

Smt. Sushila Devi

APPELLANT

Vs

Pankaj Kumar

RESPONDENT

Date of Decision : 16-08-1985

Acts Referred:

Citation : (1985) 08 P&H CK 0010

Hon'ble Judges : J.V. Gupta, J

Bench : Single Bench

Advocate : Ashok Bhan and Mr. Ajay Kumar Mittal, for the Appellant; H.L. Sarin and Mr. Sukhdev Singh, for the Respondent

Final Decision : Dismissed

Judgement

J.V. Gupta, J.—This petition is directed against the order of the trial Court dated December 17, 1983.

2. The Respondent-landlord filed the application for ejectment of his tenant which was fixed on 17th December, 1983, for the evidence of the landlord-Petitioner. However, the case was dismissed in default as no one appeared when the case was called. On that very day the tenant Sushila Devi filed an application that her counsel was present since 10 AM in the Court and was awaiting for his belog(sic) called. Under these circumstances, she prayed, that their predence may kindly be noted. This application was disposed of by the Rent Controller with the following order:

This unstamped application has been given by Shri O. P. Gupta, Advocate, Rohtak at 4.15 P.M. today. The case has already been dismissed in default. It be consigned with that file. The allegations in the application are incorrect.

3. It is this order which has been challenged by way of petition in this Court.

4. The petition is wholly misconceived. The application being unstamped could not be entertained and the Rent Controller rightly passed the impugned order.

5. The Petitioner has relied upon Bhim Sain v. Laxmi Narain (1982) 84 P.L.R. 50, to contend that the counter claim made by the tenant In the written statement was to be gone into by the Rent Controller even if the landlord was not interested in pursuing the ejectment application. That does not avail the Petitioner in the absence of proper application. However, the Petitioner may file proper application, if so advised, and if filed, the same may be disposed of in accordance with law.

6. Consequently, the petition fails and is dismissed with no order as to costs.