



2026:CGHC:17845-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (Civil) No. 394 of 2026

M/s Mannu Motors Through Its Proprietor, Amandeep Singh Sahni,
Aged 35 Years, S/o Shri Sardar Inderjeet Singh Sahni, R/o Gagan
Motors Ring Road No.02, Tatibandh, Raipur, District- Raipur (C.G.)

... **Petitioner**

Versus

Manjeet Singh Rihal S/o Late Shri Mahendar Singh Rihal Aged
About 69 Years Address- 31/211, Near Civil Lines Thana, Raipur,
Tehsil And District- Raipur (C.G.)

... **Respondent**

[Cause-title taken from Case Information System (CIS)]

For Petitioner : Mr. Shobit Mishra, Advocate
For Respondent : Mr. Sachin Tamrakar, Advocate

Division Bench

Hon'ble Shri Justice Sanjay K. Agrawal and
Hon'ble Shri Justice Sachin Singh Rajput

Judgment on Board
(17.04.2026)

Sanjay K. Agrawal, J

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner/defendant is calling in question legality, validity, correctness of impugned order 10.12.2025, passed by the Chhattisgarh Rent Control Tribunal, Raipur (for short the “tribunal”), by which the appeal filed by the petitioner/defendant has



been rejected on merits and the order passed by the learned Rent Controller, Raipur dated 08.08.2024 has been affirmed.

2. The aforesaid challenge has been made on the following factual backdrop:

2.1 The respondent/Landlord filed an application before the learned Rent Controller stating, *inter alia*, that he is the owner of Mahindra Complex, situated at Tatibandh Chowk, Raipur (CG) and, the suit shop No.07 was let out to the petitioner/defendant/tenant on a monthly rent of Rs.8,000/- and the petitioner/tenant has not paid rent from October, 2016 regularly and consistently making defaults of payment and also creating other nuisances. Accordingly, respondent/Landlord filed an application under Section 12(2) read with Section 11(a)(j) of Schedule 2 of the Chhattisgarh Rent Control Act, 2011 (for short the “Act of 2011”), after serving six months’ notice dated 30.11.2016 to the petitioner/tenant, for eviction of the suit property and also for arrears of rent.

2.2 The petitioner/tenant filed his reply to the said application denying all the contents of the same. It is also stated by the petitioner/tenant in his reply that in addition to the shop in question the respondent/Landlord has also rented two other shops and getting monthly rent of Rs.500/- and Rs.1,000/- respectively. At the time of agreement of tenancy in question, he has deposited Rs.1,25,000/-. He has not made any defaults of the rent and, as such, there is no



arrears of rent outstanding against him. Hence, the application filed by the respondent/Landlord be dismissed.

2.3 The learned Rent Controller by its order dated 08.08.2024 allowed the application of the respondent/Landlord, against which, the petitioner/defendant filed an appeal before the learned Tribunal and, by impugned order dated 10.12.2025, the appeal of the petitioner/defendant also stood dismissed and the order of the learned Rent Controller dt. 08.08.2024 has been affirmed. Feeling aggrieved and dissatisfied by the order of learned Tribunal dt. 10.12.2025, the present writ petition has been filed.

3. Learned counsel for the petitioner would submit that petitioner/tenant was proceeded ex-parte on 21.02.2023 and he preferred an application for setting aside the ex-parte order on 03.03.2023, which was not considered and, thereafter, when he filed an application under Section 151 of CPC on 18.03.2024, the said application was rejected and application filed under Order 9 Rule 7 of CPC was not taken into consideration and, ultimately, the final order was passed ex-parte against the petitioner. As such, the impugned orders passed by the two authorities below be set aside and the matter be remitted to the learned Rent Controller for providing opportunity of hearing to the petitioner/tenant from the stage as on 21.02.2023/03.03.2023. Hence, the present writ petition be allowed.



4. On the other hand, learned counsel appearing for the respondent/Landlord would support the impugned orders and prays for dismissal of this appeal by stating that against the order dated 18.03.2024, by which petitioner's application under Section 151 was rejected by the learned Rent Controller, the petitioner preferred an appeal before the learned Tribunal bearing Appeal No.12/2024, which was heard and dismissed on 26.06.2024. Thereafter, the petitioner also preferred a writ petition before this Court being WP227-572-2024 challenging the aforesaid orders dt. 18.03.2024 & 26.06.2024, but meanwhile since the learned Rent Controller has finally decided the application for grant of eviction on 08.08.2024, the said writ petition became infructuous and, accordingly, the same stands disposed of vide order dated 13.01.2025. As such, the said question cannot be adjudicated again before this Court in this writ petition. Hence, the writ petition is liable to be dismissed.

5. We have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the record with utmost circumspection.

6. True it is that the petitioner/tenant was proceeded ex-parte before the learned Rent Controller on 21.02.2023 and, thereafter, he claims to have filed an application for setting aside the said ex-parte order. Though the said fact is not recorded in order-sheet dated 03.03.2026 of the learned Rent Controller, but the application filed



under Order 9 Rule 7 of CPC is available on the record. However, the Presiding Officer remained busy from 10.03.2023 to 08.09.2023 and the matter was taken up for hearing on 10.10.2023 and, on that day, the respondent/Landlord appeared but the petitioner/tenant did not appear. Thereafter, the case was fixed for final argument on 06.11.2023. On 06.11.2023, the case was adjourned and fixed for 14.12.2023. On 14.12.2023, the matter was taken for final hearing and, on that day also, again on behalf of the petitioner/tenant no one appeared to make final arguments and the final arguments were heard and matter was fixed for final order on 29.12.2023. Thereafter, the matter was posted for the said purpose on 12.01.2024, 08.02.2024, 6.03.2024, 15.03.2024 & 22.03.2024. Meanwhile before the final orders could be passed, on 18.03.2024, the petitioner filed an application under Section 151 of CPC for hearing and consideration of his application filed under Order 9 Rule 7 CPC, which the learned Rent Controller rejected by its order dated 18.03.2024 on the ground that the petitioner has failed to appear on different dates of hearing after 03.03.2023. Thereafter, the appeal filed by the petitioner/tenant against the said order of learned Rent Controller dt. 18.03.2024, was also dismissed by the learned Tribunal vide order dated 26.06.2024 and, thereafter, the writ petition being WP227-572-2024 filed against the said orders dt. 18.03.2024 & 26.06.2024, also got dismissed by this Court as having



became infructuous.

7. It appears from the record that the petitioner was not prompt and regular in participating in the proceeding before the learned Rent Controller. Admittedly, he was not present on 21.02.2023 when the case was fixed for cross-examination of the respondent/Landlord's witness and he was proceeded ex-parte and the case was fixed for 03.03.2023. On 03.03.2023, again the petitioner/tenant did not appear when the case was called up for hearing and the documents were exhibited and the matter was posted for 10.03.2023. It appears on the date of hearing on 03.03.2023, the petitioner/tenant filed an application under Order 9 Rule 7 of CPC before the learned Rent Controller though not recorded in order sheets, but application is available on record of learned Rent Controller. Thereafter, the case was adjourned from time to time and finally on 10.10.2023 when the matter was taken up before the learned Rent Controller, the petitioner again did not appear. Though, the petitioner was proceeded ex-parte, but he had a right to appear before the learned Rent Controller and to participate in further proceeding. However, he has not chosen to do so and, ultimately, when on 14.12.2023, the matter was taken up for final hearing, he chose not to appear and matter was heard finally ex-parte by the learned Rent Controller and fixed for pronouncement of final order on 22.03.2024. In between on 18.03.2024, he filed an



application under Section 151 of CPC for consideration of his application filed under Order 9 Rule 7 of CPC, which the learned Rent Controller did not deem it fit to revert back and hear the application filed under Order 9 Rule 7 of CPC and, ultimately, order dt. 18.03.2024 was passed by the learned Rent Controller and the application of the petitioner/tenant was rejected, which was affirmed by the learned Tribunal vide order dated 26.06.2024 in an appeal preferred by the petitioner/tenant and, thereafter, the writ petition being WP227-572-2024, challenging the said orders dated 18.03.2024 & 26.06.2024, also got dismissed by this Court on 13.01.2025 on the ground of passing of final order dt. 08.08.2024 by the learned Rent Controller on the respondent's application for eviction in meanwhile. As such, the conduct of the petitioner/tenant would show that though he was entitled to appear even without getting the ex-parte order being set aside and participate in further proceeding before the learned Rent Controller, but he chose not to do so. However, the fact remains that the petitioner/tenant did not pay rent from August, 2017 being defaulter and the application for eviction was filed on 03.05.2017, which was ultimately decided by the learned Rent Controller on 08.08.2024, i.e. after 07 years, as the petitioner/tenant was also successfully lingering on the matter. As such, the learned Rent Controller vide its order dt. 08.08.2024 has clearly recorded a finding that relationship between the respondent and the petitioner



to be that of landlord and tenant is established and requisite six months' notice has been served by the respondent/landlord on the petitioner/tenant, proceeded to allowed the application of the respondent/Landlord filed under Section 12(2) read with Section 11(a)(j) of Schedule 2 of the Act of 2011 rightly and, the same was also affirmed by the learned Tribunal while dismissing the appeal of the petitioner/tenant vide impugned order dated 26.06.2024. We do not find any illegality or perversity in the findings recorded by the two authorities below and, therefore, the present writ petition is liable to be dismissed.

8. In view of the above discussion, considering the facts and circumstances of the present case, we do not find any good ground to exercise our jurisdiction under Article 226/227 of the Constitution of India. Accordingly, the present petition is **dismissed** leaving the parties to bear their own cost.

9. Let a certified copy of this order alongwith original record be transmitted to the concerned Court below for necessary information and action, if any.

sd/-
(Sanjay K. Agrawal)
Judge

sd/-
(Sachin Singh Rajput)
Judge