

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No. 2960 of 2017 (O & M)

Date of decision: 27.04.2017

Anil Kumar Sethi and another

....Petitioner(s)

Versus

Jatinderpal Singh

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Avtar S. Khinda, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The tenant challenges the order dated 09.03.2017 (Annexure P-4) whereby the Rent Controller, Kapurthala has allowed the application for producing the documents as additional evidence.

Counsel for the petitioners has vehemently submitted that the said documents were in the knowledge of the respondent-landlord and, therefore, it is not justifiable to place the same on record at the fag end. He has placed reliance upon the judgment of the Apex Court in *Vadiraaj Naggappa Vernekar (D) through L.Rs. vs. Sharad Chand Prabhakar Gogate, 2009 (4) SCC 410*.

A perusal of the paper book would go on to show that the eviction petition was filed on the basis of the need of the wife of the respondent namely Savita Rani so that she could start the business of handloom in the shop in dispute. It was the case of the respondent-landlord that the father Chanda Singh had been the owner of the property who died on 25.08.2001 and there was a relationship of landlord-tenant thereafter between them. The documents which have been allowed is the certificate of

Diploma in Dress Designing from Government Polytechnic for Women, Jalandhar in favour of Savita Rani done in the year 1998 and the registered Wills executed by the father and mother. Similarly, original site plan which had not been exhibited inadvertently had been placed on record.

Nothing has been shown that as such relationship of landlord-tenant was denied. The Will would only show the inheritance in favour of the landlord and will help the Court to adjudicate on the issue as such. Similarly, the diploma in question would also only help the Court to assess whether the need of Savita Rani was bona fide in the facts and circumstances. The tenant will not be prejudiced in any manner as such by the impugned order and if the original site plan had not been exhibited by mistake, the exhibiting as such would also help the Court to connect the shop in question with the tenanted premises.

It is settled principle that rules of procedure are handmaids of justice and merely because the application had been filed at the fog end would not as such be a ground to deny the additional evidence which could be necessary for proper adjudication of the case. The judgment referred to pertains to an application made for recalling of witnesses under the provisions of Order 18 Rule 17 CPC, which would not be applicable to the facts and circumstances of the present case.

Accordingly, this Court is of the opinion that no infirmity can be found in the order passed by the Rent Controller and the present revision petition is dismissed in limine.

27.04.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No