

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

CR-1137-2016 (O&M)
Date of decision : 31.01.2020

Mahinder Siri

...Petitioner

Versus

Bhupinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

Mr. G.S. Bhatia, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Learned Rent Controller, in its discretion, has permitted the landlord to examine his son in evidence as landlord had pleaded bona fide requirement for the aforesaid son.

Learned counsel for the petitioner contends that the learned Rent Controller had partly heard the final arguments when the application was filed and if the order under challenge is allowed to stand, it would amount to “filling up lacuna”.

This Court has considered the submissions. However, find no merit.

It is the requirement of law that if the petition is filed by the landlord pleading the requirement of a family member, then, the aforesaid family member is required to appear in the Court and depose while facing cross-examination. The Court has only permitted the landlord to fulfill the requirement of law.

As regards argument of learned counsel that final arguments were partly heard, that also does not have any substance because till the judgment is pronounced, the case is pending and, therefore, the application for additional evidence is maintainable.

This Court has noticed that the learned counsel raised the argument that the additional evidence, if permitted, would amounts to “filling up lacuna”. Permission to lead additional evidence is granted only to remove the deficiency or bring clarity in the case. Hence, in other words, it amounts to “filling up lacuna”.

Learned counsel for the petitioner failed to bring to the notice of the Court to any bar or prohibition in permitting a party to the litigation to remove the deficiency and improve his case.

The law of procedure is to advance cause of justice and not to scuttle it. Primarily, the responsibility of every Court is to do substantive justice between the parties. It is for that purpose, the provision for amendment of the pleadings and permission to lead additional evidence have been incorporated so as to advance cause of justice. Hence, there is no ground to interfere.

Accordingly, the present revision petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

31.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No