

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

CR-2230-2021

Date of Decision: July 19, 2023

OM WATI

..... Petitioner

Versus

AMAR CHAND

..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Tanmoy Gupta, Advocate for the petitioner.  
Mr. Adarsh Jain, Advocate for respondent.

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**HARKESH MANUJA, J. (ORAL)**

1. By way of present revision petition, challenge has been laid to an order dated 13.09.2021 passed by Court of Rent Controller, Faridabad wherein prayer made on behalf of petitioner-Landlady for production of certain documents as prayed for in the following paragraphs extracted from the application stands declined:-

“4. That the applicant-petitioner wants to produced on court record the certified copy of the plaint of the suit tilted “Omwati Vs. Harbhajan Dass”, certified copy of judgment dated 09.08.1978 and the certified copy of the map of the shop in question submitted in that suit.

5. That the applicant-petitioner acquired the ownership of the shop in question by virtue of a registered Will dated 29.11.1971 executed by Smt. Ramkali daughter of lat Sh. Kunji Lal and widow of Lala Partsadi Lal. The said Will was registered with Sub Registrar Ballabgarh at document No.89 dated 29.11.1971. The original Will is with the applicant-petitioner and the petitioner wants to submit the same on the Court record and to prove the same in accordance with law.”

2. In the present case, an eviction petition came to be filed at the instance of petitioner-landlady against respondent regarding

tenanted premises situated in Main Bazar, Ward No.7 within Municipal limits, Faridabad. In the eviction petition, the petitioner claimed herself to be owner of the demised premises. In the written statement ownership of petitioner was specifically denied and on the contrary the respondent-tenant claimed himself to be as owner of the property. The issues were framed on 18.05.2018 and thereafter evidence of petitioner-landlady commenced which was closed by Court Order on 15.01.2019. Thereafter, respondent-tenant concluded his evidence. Post that, on 04.03.2021, petitioner-landlady moved an application seeking permission to produce on record the abovementioned documents. The respondent-tenant filed his objections to aforesaid application. The Rent Controller vide order dated 13.09.2021 dismissed the prayer made on behalf of the petitioner-landlady while recording that her evidence was closed by Court Order after giving her sufficient opportunities.

3. Impugning the aforesaid order, the learned counsel for petitioner-landlady submits that the petitioner only wants to produce on record the original copy of Will dated 29.11.1971 executed in her favour by Smt. Ramkali, besides certified copies of one plaint in suit titled "Omwati Vs. Harbhajan Dass" as well as the judgment dated 09.08.1978 passed therein along with the certified copy of site plan. He further submits that the aforementioned documents are being produced from proper custody and there is no possibility of any manipulation in the said documents. He also submits that a photocopy of Will dated 29.11.1971 already forms part of record as Mark P-1 and the

documents now sought to be produced would help the Court to adjudicate upon the rights of the parties in an effective manner.

4. On the other hand, learned counsel representing respondent vehemently opposes the prayer made herein while submitting that all the aforementioned documents were within the knowledge of petitioner-landlady and were thus required to be produced at the appropriate stage once the title of petitioner-landlady was specifically denied in the written statement. He also submits that sufficient opportunity was afforded to the petitioner-landlady to conclude her evidence who acted in a negligent manner.

5. I have heard learned counsel for the parties. I find substance in the submissions made on behalf of the petitioner.

6. The documents sought to produce would definitely help the Court in adjudicating the issue at hand as the title of the demised premises has been specifically denied and disputed by the respondent-tenant in the written statement. All the documents sought to produce are registered documents or the certified copies from the Court record, thus the veracity thereof cannot be doubted. Though, there appears to be some negligence on the part of the petitioner-landlady, however, instead of adopting hyper-technical approach and also to advance the cause of justice, the prayer made in the application for production of aforementioned documents needs to be allowed.

7. Equally important, the rights of the parties cannot be curtailed merely for want of compliance of procedure as the same only regulates the proceedings and can never govern the substantial rights

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thereof, unless the litigants act in a gross negligent manner.

8. Thus, in view of the observations made hereinabove, the impugned order dated 13.09.2021 passed by the Courts below is hereby set aside and petitioner is permitted to produce the documents recorded and prayed for in her application.

9. The aforesaid order shall however be subject to payment of cost of Rs.20,000/- to be deposited with respondent-tenant before the Court below on the next date of hearing.

10. Petition stands allowed accordingly.

19.07.2023  
tejwinder

(HARKESH MANUJA)  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |