

(1990) 04 P&H CK 0005

High Court Of Punjab And Haryana At Chandigarh

Case No: C.R. No. 584 of 1990

Jug Lal

APPELLANT

Vs

Naresh Kumar

RESPONDENT

Date of Decision: April 19, 1990

Acts Referred:

- Haryana Urban (control of Rent and Eviction) Act, 1973 - Section 4

Hon'ble Judges: Amrit Lal Bahri, J

Bench: Single Bench

Advocate: R.K. Gupta, for the Appellant; S.D. Bansal, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

A.L. Bahri, J.

This revision petition is directed against order dated February 3, 1990 passed by Rent Controller, Jind, declining the application filed by Jug Lal landlord for producing additional evidence in application filed u/s 4 of the Haryana Urban (control of Rent & Eviction) Act, 1973, for fixation of fair rent of the shop situated at Jind. Concededly the documents sought to be produced were in the knowledge of the landlord at the time of filing of the application u/s 4 of the Act. Reliance is placed on a sale-deed vide which Jug Lal purchased the site which is of the year 1968 and sanction for construction of the building granted by the Municipal Committee in 1969. Strictly speaking the provisions of Order 18 Rule 17-A of CPC were not attracted to the case in hand as the landlord with due diligence could produce these documents earlier. However, the rules of procedure are meant for administration of justice and are not to be considered as blockage. Under the Rent Act are relevant date for construction is of the year 1962 i.e. of the building was constructed before that, the basic rent is to be taken into consideration and thereafter increase is to be allowed for fixing the fair rent. As far as constructions made after 1962 the fair rent could be the agreed

rent. The sale-deed which was in existence even before Naresh Kumar the tenant was inducted in the shop in dispute could not be prepared or manufactured afterwards as it is a registered document and if the plot in dispute is shown as vacant therein, that would render the Court to come to a correct decision likewise sanction granted by the Municipal Committee for making construction on the vacant site would also be relevant. This matter came up before this Court earlier in Mohinder Singh v. State of Haryana, 1987 (2) P.L.R. 393 and Raj Kumar v. Improvement Trust City Hansi and others, 1988 (2) P.L.R. 196 holding therein that the provisions of CPC are meant to help in administration of justice and on technical grounds the relief is not to be denied to the party. Learned counsel for the respondent referred to the decision of Rajasthan High Court in [Kanhaiya Lal Manchandiya Vs. Lalchand Baddani and Others,](#). However, on facts the ratio of the decision in Kanhaiyalal Manchandiya's case cannot be applied. The respondent can be suitably compensated by way of costs while allowing application for producing additional evidence.

2. For the reasons recorded above, civil revision is allowed. The impugned order is set aside and the application for producing additional evidence is allowed subject to payment of Rs. 1000/- as costs. The costs would be paid on the date to be fixed by the Rent Controller.