

females, and custom was generally moving with the Courts. This would show that the trend of public opinion in the matter of custom was also moving with the decision of the Courts, the preponderance of which, as mentioned above, is against forfeiture of widow's right in her deceased husband's estate by reason of unchastity or *karewa* with her deceased husband's brother.

Shrimati Dayal
Kaur
v.
Balwant Singh
and others
I. D. Dua, J.

For the reasons given above, I would allow this appeal and setting aside the judgment and decree of the learned Additional District Judge, dismiss the plaintiffs' suit. In the peculiar circumstances of this case the parties are directed to bear their own costs throughout.

R.S.

REVISIONAL CIVIL

Before G. D. Khosla, Acting C.J. and S. S. Dullat, J:

MUNICIPAL COMMITTEE ABOHAR,—Petitioner.

versus

DAULAT RAM of ABOHAR,—Respondent.

Civil Revision No. 252 of 1957.

East Punjab Urban Rent Restriction Act (III of 1949)—Sections 2(f) and 13—Act whether covers the case of juristic persons—Rights of such persons—Nature and extent of—Section 13(3)(a)(ii)(a)—“Requires for his use”—Interpretation of vis a vis a Municipality—Requirement of rented land by a Municipality for a thoroughfare—Whether amounts to “own use”—Such land, whether can be used for purposes other than business or trade.

1959
Feb., 13th

Held, that East Punjab Urban Rent Restriction Act covers the case of juristic persons as well as of individual human beings. Juristic persons under the law possess certain rights. These rights are enforced in the manner and

in the conditions set out in the various statutes. Where any particular statute defines and governs a certain right possessed by an individual human being, that statute may be presumed to invest a juristic person also with the same rights unless the context shows to the contrary. The juristic person is entitled to enforce his rights in the same manner as an individual human being. Section 13 of East Punjab Urban Rent Restriction Act can be taken advantage of by a juristic person such as a Municipal Committee.

Held, that the expression "use" in section 13(3)(a)(ii)(a) has not there been defined or restricted. If the landlord is an individual human being, then in order to bring his case within the meaning of section 13(3)(a)(ii)(a), he does not have to show that he will live on the rented land himself by erecting a tent upon it. All that he need show is that he requires it for such use as the rented land can be put to. In the case of a Municipal Committee it may put its property to many uses. It may erect a building which is to be used as the town hall or the office of the Municipal Committee, it may use the land for parking the cars of its officials or for storing property belonging to the municipality; it may use it as a free car park or hold cattle fairs on it; it may convert it into a public thoroughfare. In all these cases the Municipal Committee will be converting the rented land "to its own use". The entity which is the Municipal Committee is not a corporate being which is capable of entering upon a piece of land and occupying it by actually sitting there. The use to which a Municipal Committee can put a piece of land is not necessarily different to the use to which an individual human being can put it, and if a man can say that he wants a piece of rented land for his own use because he wants to make a road through it to his house or reserve it for parking his car thereon, then surely a municipal committee can also say that the site is required for its use because it will be made into a thoroughfare or will be used to widen the existing thoroughfare. The word "use" has a very extensive meaning in the present context. In the case of a residential building, the use is restricted and a landlord can only obtain possession of it if he requires it for his own "occupation". In the case of rented land, the use must, of necessity, be given a wider meaning.

Held also, that the definition of "rented land" does not preclude its being used for purposes other than business or trade. All that it means is that it is land which is used principally for business or trade. Other purposes are not excluded. Therefore, because the Municipal Committee wants the land for extending its thoroughfare, it is not debarred from suing for its possession.

Case referred by the Hon'ble Mr. Chief Justice A. N. Bhandari to a Division Bench on the 12th September, 1958 for decision of important points which are likely to arise in other cases as well. The Division Bench consisting of the Hon'ble Mr. Justice G. D. Khosla (Acting Chief Justice) and the Hon'ble Mr. Justice Dulat decided the case on 13th February, 1959, on merits.

Petition under Section 15(5) of Act III of 1949, for revision of the order of Shri I: M. Lall, District and Sessions Judge, Ferozepore, dated the 28th February, 1957 reversing that of Shri Berindra Singh (Sub-Judge, 1st Class), Rent Controller, Fazilka, dated the 3rd October, 1956 and setting aside the ejectment orders against Daulat Ram respondent.

H. L. SIBAL with SURJIT KAUR, for Petitioner.

H. L. SARIN with B. K. JHINGAN, for Respondent.

JUDGMENT

G. D. KHOSLA, A.C.J.—There are before us nineteen civil revisions, Nos. 252, to 270 of 1957, arising out of an order passed by the Appellate Authority under the East Punjab Urban Rent Restriction Act, 1949. The facts which have given rise to these petitions are briefly as follows: The Municipal Committee, Abohar, has a *mandi*. Behind the *mandi* lies a highway. Between the edge of the highway and the back wall of the *mandi* lay a strip of land which many years ago was let out by the Municipal Committee to various persons for erecting stalls. These stalls were accordingly erected but a gap, about 8 feet to 10

D. Khosla,
A.C.J.

Municipal Com-
mittee, Abohar
v.

Daulat Ram of
Abohar

G. D. Khosla,
A.C.J.

feet wide remained between the stalls and the back wall of the *mandi*. In this gap lay a drain and owing to the phenomenal increase of the town of Abohar after Partition considerable overcrowding occurred and the drain began to be used as a latrine by the public. The highway was also narrowed down by the stalls in front of which bicycles, etc., began to be stacked. The result was that accidents occurred on the road and the general health of the town deteriorated by the worsening of conditions around the drain. A circular was sent by the Punjab Government to the various municipal committees which the committees were advised to take measures to improve sanitation and adopt such measures as would lessen road accidents. In compliance with these directions the Municipal Committee of Abohar passed resolutions to the effect that the leases to the stall-holders be resumed and steps should be taken to eject them. The purpose of doing this was to remove the stalls, cover the drain and widen the highway. Petitions for eviction were accordingly filed before the Rent Controller and ejection was claimed on the ground that the Municipal Committee required the rented land for its own use. Objection was taken on the ground that the case of the Municipal Committee did not fall within the scope of section 13(3) of the Act and, therefore, no order of ejection could be passed against the tenants. This objection was repelled by the Rent Controller, but the Appellate Authority, Mr. I. M. Lall, allowed the appeals holding that the Municipal Committee did not require the land for its own use, because widening of the roads and providing clear thoroughfares to the public did not amount to personal use. The learned Appellate Authority interpreted the phrase "he requires it for his own use" occurring in section 13(3)(a)(ii) (a) as meaning that the use must be personal use

and not use of the public, and in this view of the case he held that the use of the land was for widening the thoroughfare. The learned Appellate Authority thereupon dismissed the nineteen applications of the Municipal Committee. The Municipal Committee, Abohar, has moved this Court on the revision side.

Municipal Committee, Abohar
v.
Daulat Ram of Abohar
G. D. Khosla,
A.C.J.

The relevant portion of section 13(3) reads as follows :—

“13(3)(a) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession—

(i) * * * * *

(ii) in the case of rented land, if—

(a) he requires it for his own use ;

(b) he is not occupying in the urban area concerned for the purpose of his business any other such rented land ; and

(c) he has not vacated such rented land without sufficient cause after the commencement of this Act, in the urban area concerned ;

* * * * *

Provided further that where the landlord has obtained possession of * * * * *
* * * * * rented land under the provisions of sub-paragraph * * * * * (ii) he shall not be entitled to apply again under the

Municipal Com-
mittee, Abohar

v.

Daulat Ram of
Abohar

said sub-paragraphs for the posses-
sion of any other building of the
same class or rented land ;

* * * * *

G. D. Khosla,
A.C.J.

I may also quote the relevant portion of sub-
section (4)—

“(4) Where a landlord who has obtained
possession of a building or rented land
in pursuance of an order under sub-
paragraph (i) or sub-paragraph (ii) of
paragraph (a) of sub-section (3) does
not himself occupy it * * *
* * * for the purpose for which
possession was obtained, for a conti-
nuous period of twelve months from the
date of obtaining possession * * *
* * *, the tenant who has
been evicted may apply to the Control-
ler for an order directing that he shall
be restored to possession of such build-
ing or rented land and the Controller
shall make an order accordingly.”

The definition of “rented land” is given in
section 2(f). “Rented land” means any land let
separately for the purpose of being used princi-
pally for business or trade.

There is no doubt that the East Punjab Urban
Rent Restriction Act covers the case of juristic
persons as well as of individual human beings.
Juristic persons under the law possess certain
rights. These rights are enforced in the manner
and in the conditions set out in the various sta-
tutes. Where any particular statute defines and
governs a certain right possessed by an individual
human being, that statute may be presumed to

invest a juristic person also with the same right unless the context shows to the contrary. The juristic person is entitled to enforce his rights in the same manner as an individual human being. An incorporate body, such as a municipal committee, can sue to recover a sum of money, it can defend an action for a claim in respect of money or immovable property, it can be a party to a mortgage suit or a suit for injunction, it can come to this Court under Article 226 of the Constitution and pray for a writ or other appropriate order against a person or corporation. A suit for ejectment can be brought against a firm and a firm can sue for the ejectment of its tenant, and it will not be denied that section 13 of the East Punjab Urban Rent Restriction Act can be taken advantage of by juristic persons such as a municipal committee. This has not been denied by the learned counsel for the respondents, but the point at issue is the meaning to be attached to the phrase "he requires it for his own use". Here "he" obviously means the Municipal Committee and the question is what is the meaning of the "Municipal Committee's own use". It is clear that the expression "use" has no where been defined or restricted. If the landlord is an individual human being, then in order to bring his case within the meaning of section 13(3)(a)(ii)(a) he does not have to show that he will live on the rented land himself by erecting a tent upon it. All he need show is that he requires it for such use as the rented land can be put to. For instance, if the rented land is a vacant site, he may wish to stack building material upon it or start a fuel wood store; he may wish to tie his cattle on it or use it as a car-park. In each of these cases he would be entitled to eject the tenant because the various uses mentioned above are clearly his own uses. A firm may require a vacant site for parking the cars of its employees or for

Municipal Com
mittee, Abohar
v.

Daulat Ram of
Abohar

G. D. Khosla,
A.C.J.

Municipal Com-
mittee, Abohar
v.

Daulat Ram of
Abohar

G. D. Khosla,
A.C.J.

keeping stores which cannot conveniently be housed but which constitute its stock-in-trade. Such use will clearly be the use of the firm, and the firm will be entitled to an order of ejectment. Extending this conception to the case of a municipal committee, we see that the municipal committee may put its property to many uses. It may erect a building which is to be used as the town hall or the office of the municipal committee; it may use the land for parking the cars of its officials or for storing property belonging to the municipality; it may use it as a free car-park or hold cattle fairs on it; it may convert it into a public thoroughfare. In all these cases the municipal committee will be converting the rented land to its own use. The entity which is the municipal committee is not a corporate being which is capable of entering upon a piece of land and occupying it by actually sitting there. The use to which a municipal committee can put a piece of land is not necessarily different to the use to which an individual human being can put it, and if a man can say that he wants a piece of rented land for his own use because he wants to make a road through it to his house or reserve it for parking his car thereon, then surely a municipal committee can also say that the site is required for its use because it will be made into a thoroughfare or will be used to widen an existing thoroughfare. The word "use" has, in my view, a very extensive meaning in the present context. In the case of a residential building the use is restricted and a landlord can only obtain possession of it if he requires it for his own "occupation". In the case of rented land the use must, of necessity, be given a wider meaning.

Mr. Sarin, who appeared on behalf of the respondents, argued that "rented land" is land which

is used principally for business or trade and, therefore, when the Municipal Committee converts it into a part of thoroughfare, it ceases to be rented land and that the Municipal Committee cannot, therefore, ask for its possession under the Rent Control Act. The definition of "rented land", however, does not preclude its being used for purposes other than business or trade. All that it means is that it is land which is used principally for business or trade. Other purposes are not excluded. Therefore, because the Municipal Committee wants the land for extending its thoroughfare, it is not debarred from suing for its possession.

Municipal Com-
mittee, Abohar
v.
Daulat Ram of
Abohar
G. D. Khosla,
A.C.J.

Another argument raised by Mr. Sarin is based on the second proviso which has been quoted above. Mr. Sarin contends that the Municipal Committee has, in the present instance, filed nineteen applications for ejectment. The Committee is only entitled to file one application because once it obtains possession of the rented land in occupation of one of the tenants, it is not entitled to apply again for the possession of any other rented land of the same class for the same reason, but the object of the proviso clearly is to prevent an abuse of the ground on which the landlord may claim ejectment. The object of the Act is to protect tenants against the greed of landlords. Ordinarily, a landlord may seek ejectment in respect of one piece of rented land only on the ground that he requires it for his own use because it is clear that a normal person cannot use more than one piece of rented land for a particular purpose. It has been held that where a landlord is in possession of a portion of a house which he finds insufficient for his purposes, he may seek ejectment of the tenant from the other portion and yet not be debarred from doing so by the second proviso

Municipal Com-
mittee, Abohar
v.

Daulat Ram of
Abohar

G. D. Khosla,
A.C.J.

(*vide Baij Nath v. Badhawa Singh* (1)), In the present case the nineteen sites formed part of one piece of land originally. The Municipal Committee sub-divided the land and let it out separately to nineteen persons. In reality, it is only one piece of rented land which is required for the extension of the highway. It is not a case of the landlord repeating his claim on a ground of which he has already availed himself. There is no case here of any abuse of the provisions of the Act or of the Municipal Committee having acted *mala fide*. Courts must, so far as is possible, give effect to the provisions of a statute and not interpret it in such a way as to make its provisions ineffective and nugatory. If it is held that the Municipal Committee can take possession of only one of these nineteen plots, then the very object for which ejectment is sought will be frustrated. The Municipal Committee does not require one plot only. It requires the entire strip of land in the interest of the public and to carry out the objects of the Municipal Committee. There is no other remedy open to the Municipal Committee. Mr. Sarin has contested that the Municipal Committee should have taken action under section 3 and prevailed upon the Punjab Government to exempt these rented lands from the operation of the Rent Control Act. But the exemption has far-reaching effects and the only aim of the Municipal Committee in the present instance is to obtain possession of the lands and not to avoid the remaining provisions of the Act such as those relating to the control of rent, etc. In this view of the matter, it seems unreasonable to exempt the Municipal Committee to seek redress in any other way. The Committee is entitled to say that the land is required for its own use, because it will be utilised

for broadening the highway and for improving the sanitary conditions of the town. Also it cannot be said that the Municipal Committee is precluded from claiming ejection of all the nineteen tenants by too narrow an interpretation of the second proviso. I would, therefore, allow these petitions and setting aside the order of the Appellate Authority restore the order of the Rent Controller granting orders of ejection against all the nineteen tenants. In the circumstances, I would make no order as to costs. Two months' time allowed to vacate the land.

Municipal Com-
mittee, Abohar
v.
Daulat Ram of
Abohar
G. D. Khosla,
A.C.J.

S. S. DULAT, J.—I agree entirely.

Dulat, J.

K.S.K.