

had been held on the 28th October, 1951. The third instalment was paid on the 18th February, 1952, and the resolution for this was passed on the 2nd February, 1952, and the meeting was held on the 18th February, 1952. It is not shown that at any one of these meetings Harnam Singh was present or that Harnam Singh voted for any consideration. To merely draw an inference from the dates of meetings is to be over suspicious and I find no ground for upholding the finding of the Judicial Commission that the original respondent drew any personal benefit by misusing his vote. According to section 64 the Executive Committee of the Board of which the appellant was not a member has all the powers conferred on the Board itself, and the words in the section are "shall exercise", and therefore it cannot be said that any power exercised by the Committee of the Board was power exercised by the Board itself for the purposes of taking action under section 142, and I confine myself to the facts of this case.

After consideration of the evidence on the record I am of the opinion that no case has been made out against the appellant and the Commission have misdirected themselves in holding him guilty of abuse of power or any misfeasance. I would therefore allow this appeal and set aside the order of the Commission. Parties will bear their own costs throughout.

BISHAN NARAIN, J.—I agree.

Bishan Narain,
J.

CIVIL MISCELLANEOUS

Befort Bhandari, C.J.

MATHRA DASS,—*Petitioner*

v.

OM PARKASH AND OTHERS,—*Respondents*

Civil Miscellaneous No. 363 of 1956.

1956

Practice and Procedure—Rent Controller and Appellate Authority—Procedure to be followed—Whether bound

Sept. 13th

S. Harnam
Singh
v.
Giani
Gurbachan
Singh

Kapur, J.

to observe elementary and fundamental principles of judicial enquiry—Court of law—Whether possesses inherent powers to act ex debito justitiae in order to do real and substantial justice.

Civil Procedure Code (V of 1908)—Order 22—Applicability of to proceedings before Rent Controller and Appellate Authority.

Held, that in the absence of a restraining provision a Rent Controller or a District Judge acting under the provisions of Rent Restriction Act is at liberty to follow any procedure that he may choose to evolve for himself so long as the said procedure is orderly and consistent with the rules of natural justice and so long as it does not contravene the positive provisions of the law. The elementary and fundamental principles of a judicial enquiry should be observed but the more technical forms discarded.

Held also, that a court of law possesses inherent powers to act ex debito justitiae, to do that real and substantial justice for the administration of which it alone exists and to do all things that are reasonably necessary for securing the ends of justice within the scope of its jurisdiction.

Held further, that the Appellate Authority was competent to rely on Order 22 of the Code of Civil Procedure and to implead the heirs and legal representatives of a landlord who had died after the passing of an order of eviction and before the filing of the appeal by the tenant.

Petition under Article 227 of the Constitution of India, praying that the petition be allowed and the appellate authority be ordered to hear the appeal on merits, and in the meantime the respondents who are executing the order in the Civil Court at Ambala be restrained from executing the same, ad interim to prevent harassment and loss to the petitioner.

ROOP CHAND, for Petitioner.

C. L. AGGARWAL, for Respondents.

ORDER

BHANDARI, C. J.—This petition raises the question Bhandari, C.J. whether a Tribunal constituted under the provisions of the Urban Rent Restriction Act is at liberty to follow the principles embodied in the Code of Civil Procedure.

One Shiv Parshad, who is the owner of a house situate in Ambala presented an application under the provisions of the Punjab Urban Rent Restriction Act and secured an order for the eviction of his tenant Mathura Das. The landlord died shortly after the passing of the order and the property belonging to him came to vest in his three sons. The tenant who was dissatisfied with the order of the Rent Controller presented an appeal to the District Judge and impleaded the sons as respondents both in their capacity as owners of the house in question and in their capacity as legal representatives of their father. The learned District Judge declined to proceed with the case on the ground that in the absence of specific provision in the Rent Restriction Act similar to the provisions contained in Order 22 of the Code of Civil Procedure, it was not within the competence of the tenant to implead, or of the Court to proceed against, the legal representatives of a landlord who had died before the presentation of the appeal. The tenant is dissatisfied with the order and has come to this Court under Article 227 of the Constitution.

Mr. C. L. Aggarwal, who appears for the legal representatives of the deceased landlord, has invited my attention to a number of authorities which appear to lay down the proposition that an administrative tribunal acting in a quasi-judicial capacity possesses no inherent powers such as are conferred upon a civil Court by section 151 of the Code of Civil Procedure, (*In the Matter of Compensation for the Life of*

Mathra Dass *Karim Dad, Planner, Locoshop, Moghalpura*, (1), and
 v. that in the absence of incorporation of the provisions
 Om Parkash of the Code of Civil Procedure in the rules or proce-
 and others dure for the tribunal in question there is no justifica-
 Bhandari, C. J. tion for the application of the principles of those pro-
 visions, *Sha Devi Chand Mool Chand v. Sha Dhanraj
 Kantial*, (2), *Abdul Khedir Hadjar v. A. K.
 Murthey*, (3), and *Ruplal Sitaram, etc., v. Sheo Shan-
 kar Awasdal and others* (4).

I regret I am unable to concur in this contention. A Court of law possesses inherent powers to act *ex debito justitiae*, to do that real and substantial justice for the administration of which it alone exists and to do all things that are reasonably necessary for securing the ends of justice within the scope of its jurisdiction, *D. N. Ray and another v. Nalin Behari Bose* (5), and *Hukam Chand Boid v. Kamalanand Singh* (6). It must therefore proceed on the assumption that every procedure is permissible unless it is shown to be prohibited by the law, *Narsingh Das v. Mangal Dubey and others* (7). In respect of matters in regard to which the Code of Civil Procedure has made no provision or has made insufficient provision the Court has an inherent jurisdiction to do that justice between the parties which is warranted under the circumstances and which the necessities of the case require, *Hukam Chand Boid v. Kamalanand Singh* (6). The powers exercised by an administrative tribunal are wider still, for as pointed out by Sargent, C.J., in *Ramchandra Narayan Kulkarni v. Draupadi Kom Narayan* (8), the conduct of proceedings before

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- (1) A.I.R. 1930 Lah. 657
 - (2) A.I.R. 1949 Mad. 53
 - (3) A.I.R. 1948 Mad. 235
 - (4) A.I.R. 1953 Nag. 191
 - (5) 46 I.C. 621
 - (6) I.L.R. 33 Cal. 927, 931
 - (7) I.L.R. 5 All. 163
 - (8) I.L.R. 20 Bom. 281, 283

a Special Judge who is not regulated by any particular procedure must be deemed to be in his own discretion.

Mathra Dass
v.
Om Parkash
and others

After a careful consideration of the several authorities which have been cited before me I entertain no doubt in my mind that in the absence of a restraining provision, a Rent Controller or a District Judge acting under the provisions of the Rent Restriction Act is at liberty to follow any procedure that he may choose to evolve for himself so long as the said procedure is orderly and consistent with the rules of natural justice and so long as it does not contravene the positive provisions of the law. The elementary and fundamental principles of a judicial enquiry should be observed but the more technical forms discarded.

Bhandari, C. J

For these reasons I would accept the petition, set aside the order of, the learned District Judge, direct him to implead the sons of the deceased landlord as respondents and to hear the case in accordance with law. The parties have been directed to appear before the learned District Judge on the 15th October, 1956. The petitioner will be entitled to the costs of this Court.

APPELLATE CIVIL

Before Bhandari, C.J. and Khosla, J.

v.

GOPAL SINGH,—Appellant

THE PUNJAB STATE AND OTHERS,—Respondents

Letters Patent Appeal No. 46 of 1954.

Letters Patent Clause 10—Workmen's Compensation Act (VIII of 1923)—Section 30—Decision of a single Judge on appeal under section 30 of the Workmen's Compensation Act—Whether a judgment from which an appeal will lie under clause 10 of the Letters Patent.

1956

Sep., 18th