

to be about 160 in number. If the petitioner considers, after the inquiry has been completed, that this order has resulted in miscarriage of justice, then he will have ample opportunity of bringing this matter to the notice of the Inquiry Officer before the report is made and afterwards when, and if, he is called upon to show cause under Article 311(2) against the proposed action. This stage may, however, never arise. The Government after receiving the report may decide not to take any action under rule 4 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952, and may decide not to impose any penalty on him. The present petition merely anticipates events which may never take place. Therefore the impugned order does not necessarily make a fair inquiry impossible and it is too early to determine the effect of this order on the inquiry.

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v.
State of Punjab
and another
Bishan Narain, J.

In view of this decision it is no necessary to decide whether, if the petitioner had been successful, the required relief would have been granted by issue of a writ in the nature of *mandamus* or *certiorari*.

For all these reasons, I am of the opinion that this petition fails and I dismiss it with costs. Counsel's fee Rs. 100.

B. R. T.

APPELLATE CIVIL

Before Chopra and Gosian, JJ.

MST. HARDEVI AND OTHERS,—Appellants.

versus

HARMINDER SINGH AND OTHERS,—Respondents.

Regular Second Appeal No. 694 of 1949.

Punjab Tenancy Act—(XVI of 1887) Section 59(1)—Scope of—Widowed mother of the deceased occupancy tenant whether entitled to succeed to the occupancy rights on the death of his widow—Construction of statutes—Rule as to, stated.

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Held, that the rule of succession laid down in section 59 is absolute and also exclusive. It cannot be substituted or modified on the grounds of custom or personal law of the parties. A widowed mother succeeds where a tenant having the right of occupancy dies without leaving any male lineal descendants and widow. The specified conditions ought to exist at the time of the tenant's death. The right devolves on her at the time of his death, if the conditions laid down by the clause are satisfied, and not on the happening of any subsequent event. The clause will have no application if at the time of his death the tenant had left a widow.

Held also, that the correct rule in construing a statute is to take the words of a statute themselves and arrive at their meaning. You cannot imply anything into a statute, which is inconsistent with the words expressly used. When once the meaning is plain, it is not province of a Court to scan its policy or wisdom. The Legislature ought to be taken to have intended what they have actually expressed. It is an elementary rule that construction is to be made of all the parts of a section of the statute together and not of one part only by itself. The section must be read as a whole in order ascertain the true meaning of its several clauses, and the words of each clause should be so interpreted as to bring them into harmony with the other provisions, so long as that interpretation does no violence to the meaning of which they are naturally susceptible.

Second Appeal from the decree of the Court of Shri Chhakan Lal, District Judge Hoshiarpur, dated the 13th July, 1949, affirming that of Shri Ram Singh Bindra, Sub-Judge, 1st Class, Garhshankar, dated the 1st December, 1948, decreeing the plaintiffs' suit for possession of land measuring 96 Kanals 10 Marlas of land (as detailed in the petition of plaint) situated at village Posi, P. S. and Tehsil Garhshankar, District Hoshiarpur.

Claim:—For possession of 96 Kanals 10 Marlas of land in Khata No. 30, Khatauni, Nos. 178 to 183, bearing khasra Nos. 1513-7 kls. 9 mls., 2,377 min/32 kls. 8 mls. 3521/140 to 142 23 Kanals 17 Marlas, 2377/8 kls., 2400/12 kls. 6 mls. 2377 min/7 kls., 2377/5 kls. in jamabandi years 1945-46 situated at village Posi, P. S. and Tehsil Garhshankar, District Hoshiarpur.

P. C. PANDIT and D. N. AWASTHY, for Appellants.

SHAMAIR CHAND and P. C. JAIN, for Respondents.

JUDGMENT

CHOPRA, J.—The only point involved in this appeal is one of interpretation of section 59(1) of the Punjab Tenancy Act. The question is whether the widowed mother of a deceased tenant having a right of occupancy in any land is entitled to succeed to the occupancy rights on the death of his widow. Section 59(1) of the Act says :—

Chopra, J.

“When a tenant having a right of occupancy in any land dies, the right shall devolve—

- (a) on his male lineal descendants, if any, in the male line of descent, and
- (b) failing such descendants, on his widow, if any until she dies or remarries or abandons the land or is under the provisions of this Act ejected therefrom, and
- (c) failing such descendants and widow, on his widowed mother, if any, until she dies or remarries or abandons the land or is under the provisions of this Act ejected therefrom.
- (d) failing such descendants and widow, or widowed mother or, if the deceased tenant left a widow or widowed mother, then when her interest terminates under clause (b) or (c) of this subsection, on his male collateral relatives in the male line of descent from the common ancestor of the deceased tenant and those relatives :—

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Provided, with respect to clause (d) of this subsection, that the common ancestor occupied the land.”

The facts which are not disputed are these. Munshi Ram, the last male occupancy tenant of the land in dispute, died somewhere in the year 1943 or 1944. He was succeeded by his widow Uttam Devi who died in 1948. Mutation was then sanctioned in favour of Mst. Hardevi appellant, mother of Munshi Ram, and she took possession of the land. On 30th August 1948, Harinder Singh respondent, the landlord, brought the present suit for possession on the ground that under section 59(1) of the Punjab Tenancy Act the right did not devolve on the widowed mother and, therefore, the right had extinguished. The Courts below have accepted the contention and decreed the suit. The defendant has now come in appeal to this Court.

Mr. Prem Chand Pandit on behalf of the appellant contends (1) that widow of the deceased tenant did not form a fresh stock of descent and, therefore, the heirs of her husband Munshi Ram were entitled to succeed on her death, and (2) that the widowed mother, she being one of the heirs coming after the male lineal descendants and the widow, was entitled to succeed on the death of the widow.

So far as the first contention is concerned, there can be no dispute. This is so not because that is a rule of custom or personal law of the parties, but because the rule is in consonance with the provisions of section 59(1) of the Punjab Tenancy Act. The rule of succession laid down in section 59 is absolute and also exclusive. It cannot be substituted or modified on the grounds of custom or personal law of the parties. It, therefore, follows that the second contention also is to

be judged in the light of the rule of succession laid down by the section. Clause (c) of subsection (1) of section 59 gives the conditions and circumstances under which the right of tenancy devolves on a widowed mother. She succeeds where a tenant having the right of occupancy dies without leaving any male lineal descendants and widow. The specified conditions ought to exist at the time of the tenant's death. The right devolves on her at the time of his death, if the conditions laid down by the clause are satisfied, and not on the happening of any subsequent event. The clause will have no application if at the time of his death the tenant had left a widow. This is the plain meaning of the clause, and the clause is not susceptible of any other construction. The correct course of dealing with a question of construction is to take the words of a statute themselves and arrive at their meaning. You cannot imply anything into a statute, which is inconsistent with the words expressly used. When once the meaning is plain, it is not province of a Court to scan its policy or wisdom. The Legislature ought to be taken to have intended what they have actually expressed.

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If the widowed mother was intended to succeed even after the death of the deceased tenant's widow, the language of clause (c) would have been somewhat different. To impute that intention we shall have to read the relevant portion of the clause like this :—

“failing such descendants and widow, of if the deceased tenant left a widow, then when her interest terminates under clause (b) above, on his widowed mother.”

This, as already observed, we cannot do. We are to read and interpret the clause as it is and not as it might have been or we think it ought to be.

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Harjinder Singh
and others
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The above construction becomes all the more clear when clause (c) is read along with clause (d) of the subsection. Clause (d) expressly provides that *if the deceased tenant left a widow or widowed mother*, then on the termination of her interest under clause (b) or clause (c) of the subsection, the right shall devolve upon his male collateral relatives in the male line of descent from the common ancestor. The absence of any such provision in clause (c) cannot be regarded as a mere oversight, and it cannot be imported into the clause. The conjunction 'or' connecting the words 'widow' and 'widowed mother' used twice in clause (d) is not the less significant. Use of the singular 'her' in the phrase 'then when her interest terminates' in clause (d) also has its own importance. All this clearly indicates that the Legislature envisaged the succession of the widow or widowed mother of the deceased tenant and not of both one after the other. It is an elementary rule that construction is to be made of all the parts of a section of the statute together and not of one part only by itself. The section must be read as a whole in order to ascertain the true meaning of its several clauses, and the words of each clause should be so interpreted as to bring them into harmony with the other provisions, 'so long as that interpretation does no violence to the meaning of which they are naturally susceptible. The second contention of the appellant, must, therefore, fail.

In the result the appeal is dismissed, but in view of the facts of the case the parties are directed to bear their own costs throughout.

D. K. M. REVISIONAL CIVIL

Before Falshaw, J.

INDER CHAND JAIN,—Petitioner

versus

POORAN CHAND-BANSI DHAR,—Respondents

Civil Revision No. 12-D/57.

Arbitration Act (X of 1940)—Sections 2(c), 31(2), and

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Sept., 16th 33—Court—Jurisdiction—Application under sections 32