
(1975) 08 SHI CK 0007

In the High Court Of Himachal Pradesh

Case No : Civil Revision No"s. 40 and 42 to 44 of 1975

Smt. Basant Kaur

APPELLANT

Vs

J.R. Walia and Another

RESPONDENT

Date of Decision : 08-08-1975

Acts Referred:

Citation : (1975) 4 ILR HP 538

Hon'ble Judges : R.S. Pathak, C.J

Bench : Single Bench

Advocate : B.B. Vaid, for the Appellant; R.K. Gupta, D. Gupta and J.R. Thakur, for the Respondent

Final Decision : Dismissed

Judgement

R.S. Pathak, C.J.—These revision petitions have been filed by the tenants against an order made by the learned Senior Subordinate Judge as Rent Controller, Simla on April 8. 1975 consolidating a number of petitions for eviction made by the landlords.

2. The joint landlords, who are Respondents in these petitions, have applied for the eviction of the tenants who occupy different portions of a single building. One of the grounds taken by them is that they propose to reconstruct the entire building. There were other grounds, including the ground that the tenants were subletting the premises and were in arrears of rent. An application was made by the Respondents for consolidation of the petitions and the Rent Controller made an order accordingly. The order is challenged in these revision petitions.

3. It is clear from a perusal of the order that the Rent Controller is of the view that a common question arises in the petitions, namely, whether the landlords need to reconstruct the entire building, and in the belief that common evidence would be led in respect of that question in the different petitions he has made the impugned order consolidating the petitions.

4. After hearing learned Counsel for the parties, it seems to me that there is no

substance in these petitions. The order of the Rent Controller purports to consolidated the petitions, but what in effect it directs is that the issue in regard to the reconstruction of the building should be tried as a common issue in all the cases. So far as the remaining issues in the individual cases are concerned, they will be tried separately in each case. There can be no dispute that every tribunal exercising judicial or quasi-judicial powers has inherent power to hear a number of petitions together if it is satisfied that common questions arise in the petitions for decision. Learned Counsel for the petitioners says that if common evidence is allowed to be led there is a danger of evidence being adduced by a witness of one of the petitioners to the prejudice of another without the right of the other to cross-examine him. As to that it seems to me that if there is any possibility of prejudice it is always open to any of the petitioners to point this out to the Rent Controller for the purpose of safeguarding his individual interests. It is always open to the Rent Controller to pass appropriate orders in the interest of justice. He is entitled to modify the present order in revision before me if the requirements of justice call for such modification.

5. I am not satisfied that this Court should interfere in these revision petitions. They are accordingly dismissed. There is no order as to costs.