

The New Victoria Mills Co. vs Jiwan Lal Tribhuvan Das Modi And Anr. on 4 May, 1951

Equivalent citations: AIR1951ALL715, AIR 1951 ALLAHABAD 715(1)

JUDGMENT

Agarwala, J.

1. This is a deft's appeal arising out of a suit for ejectment. The pltf. resp. is the owner of the house in dispute. The applt., the New Victoria Mills Co., was the tenant of the house in dispute. It had taken it for purposes of accommodating its servants. The pltf. obtained permission of the Dist. Mag. to eject the applt. Later on the Dist. Mag. ordered that in a portion of the house one Mr. Verma be accommodated. The pltf. then sued for the ejectment of the deft. from the remaining portion. The deft. contested the suit on various grounds. One of the grounds was that the permission granted by the Dist. Mag. was no longer of any validity after the Mag. had allotted a portion of the house to Mr. Verma. Both the Courts below have repelled the deft's pleas & decreed the suit.

2. In this second appeal it has been urged by Mr. S.N. Verma, the learned counsel for the applt., that the permission granted by the Dist. Mag. came to an end as soon as it was found that the house was not in its entirety needed for the own use of the pltf. resp., & that the pltf. should have obtained a fresh permission from the Dist. Mag. I see no force in this contention. The permission granted by the Dist. Mag. did not become invalid merely because the pltf. agreed to accommodate in a portion of the house a third person. The permission of the Dist. Mag. would be deemed to have been amended by the subsequent order but not wholly set aside. There is no force in any of the other grounds of appeal. The appeal is dismissed with costs.