

Megh Nath v. Sarla Devi and another (G. C. Mital, J.)

nominee or nominees does not mean that the amount shall belong to the nominee or nominees. The language of Section 39 is not capable of altering the course of succession under law."

(8) Counsel further contended that as under the Hindu Succession Act, both the widow and the mother were Class-I heirs, they were entitled to share the amount under Group Insurance Scheme in equal shares.

(9) The contention raised by the counsel for the petitioner, though attractive, on the face of it, cannot stand scrutiny, as admittedly, the insurance in the present case was not one to which the provisions of the Insurance Act, 1938 (Act No. IV of 1938) applied. This being so, the observations of the Supreme Court in *Smt. Sarbati Devi and another case* (supra) are, therefore, clearly not applicable. The matter has thus to be considered and decided in the context of the provisions of the Army Group Insurance Scheme and these, as mentioned earlier, clearly provide that it is the widow who is entitled to the amount payable thereunder and not the mother.

(10) Such thus being the unambiguous position in law, no exception can be taken to the impugned order of the lower appellate court, which is accordingly hereby up-held and affirmed. In the circumstances, however, there will be no order as to costs.

P.C.G.

Before G. C. Mital, J.

MEGH NATH,—Petitioner.

versus

SARLA DEVI AND ANOTHER,—Respondents.

Civil Revision No. 1059 of 1989.

16th November, 1990.

East Punjab Urban Rent Restriction Act, 1949—S. 15(5)—Code of Civil Procedure, 1908 (V of 1908)—O. 18 rl. 3-A & S. 115—Strict

provisions of O. 18, rl. 3-A do not apply to proceedings before Rent Controller—Rent Controller is entitled to evolve the procedure on the well known canons of justice.

Held, that the strict provisions of O. 18, rl. 3-A of the Code of Civil Procedure would not apply to the proceedings before the Rent Controller under the East Punjab Urban Rent Restriction Act, 1949 and the Rent Controller is entitled to evolve the procedure on the well known canons of justice. (Para 1)

Petition under Section 15(v) of the Rent Act read with Section 151 C.P.C. and Article 227 of the Constitution of India, praying that this revision petition may kindly be accepted and upsetting the order dated 8th March, 1989 passed by the learned Rent Controller, Patiala (Shri K. S. Bhullar), the application of the petitioner-respondent under Order 18, Rule 3-A of the Code of Civil Procedure be allowed with costs throughout.

Any other relief to which the petitioner is found entitled may also be given.

Nemo, for the Petitioner.

Ruldu Ram Attorney, for the Respondents.

ORDER

Gokal Chand Mital, J. (Oral).

The strict provisions of Order 18, Rule 3-A of the Code of Civil Procedure would not apply to the proceedings before the Rent Controller under the East Punjab Urban Rent Restriction Act, 1949 and the Rent Controller is entitled to evolve the procedure on the well known canons of justice. Under the circumstances, it is open to the Rent Controller to examine the applicant before him in the first instance or at a later stage.

Accordingly, no case for interference in the revisional jurisdiction is made out.

Dismissed.

R.N.R.