which the plaintiff will have to seek by means of some subsequent suit or application in order that he may make the declaratory relief fruitful to himself."

(22) The law laid down in these authorities is fully applicable to this case. I, therefore, hold that a suit for mere declaration is not maintainable and the plaintiffs were bound to claim relief for decree for the amount due under the award dated 8th May, 1944. The decision of the lower Courts on issue No. 7 is affirmed.

(23) No other point was urged before us.

(24) For the reasons given above, the appeal is dismissed, but there will be no order as to costs.

Pandit, J.—I agree with my learned brother that the Revenue Commissioner had jurisdiction to decide the appeal and therefore, his order was not void. On this finding alone, the Court could not grant the relief claimed in the suit. This appeal, consequently, deserves to be dismissed.

K.S.K.

REVISIONAL CIVIL

Before R. S. Narula, J.

CHAMAN LAL NARANG S/O GOKAL CHAND NARANG,—*Petitioner.*

versus

ASHWANI KUMAR AND OTHERS,—*Respondents.*

Civil Revn. No. 683 of 1973.

January 16, 1974.

East Punjab Urban Rent Restriction Act (III of 1949)—Section 13—Code of Civil Procedure (Act V of 1908)—Order VI Rule 17—Rent Controller—Whether has inherent jurisdiction to allow amendment of pleadings in eviction cases—Allowing amendment of pleadings to take notice of changed circumstances—Whether desirable.

Chaman Lal Narang, s/o Gokal Chand Narang *v.* Ashwani Kumar and others (Narula, J.)

Held, that a Court of law possesses inherent powers to act *ex debito justitiae* to do real and substantial justice for the administration of which alone it exists and to do all things that are reasonably necessary for securing the ends of justice within the scope of its jurisdiction. Although the provisions of Order VI Rule 17 of Code of Civil Procedure do not as such apply to proceedings before the Rent Controller, yet the Court of a Rent Controller has the inherent jurisdiction to allow amendment of pleadings in eviction cases pending before it for good and sufficient reasons. There is no bar in any law to the exercise of that power by a Rent Controller.

Held, that Courts should not lend their hands to avoidable multiplicity of proceedings and should always try to effectively decide the matters in issue between the parties in the same litigation so far as it is permissible by law. The desirability of allowing amendment of pleadings to take notice of changed circumstances during the pendency of a case in order to shorten litigation and to avoid circuity of action by the Courts is well established.

Petition under Section 115 *Civil Procedure Code for revision of the order of Shri Niranjan Singh, Sub-Judge, 1st Class, Chandigarh, dated 27th February,* 1973, *allowing the amendment to the ejectment application conditionally on payment of Rs.* 25 *as costs.*

J. V. Gupta, Advocate, *for the petitioner.*

N. L. Dhingra, Advocate, *for the respondents.*

JUDGMENT

NARULA, J.—Two points have been urged by Mr. Jatinder Vir Gupta in support of this petition for revision of the order of the Rent Controller, Chandigarh, dated February 27, 1973, allowing the land-lord-respondents to amend their application for ejectment of the petitioner by adding thereto the ground of further subletting of a portion of the premises to Mr. D. Paul, a photographer, during the pendency of the eviction proceedings, namely:—

(i) that the Rent Controller has no jurisdiction to allow amendment of an application for eviction as the provisions of rule 17 of Order 6 of the Code of Civil Procedure have not been made applicable to proceedings before the Rent Controller under section 16 of the East Punjab Urban Rent Restriction Act (3 of 1949) (hereinafter called the Act); and

(ii) that the alleged subsequent subletting of a portion of the premises constitutes a distinct and separate cause of action for eviction under section 13 of the Act, and should, therefore, have formed the subject-matter of a separate application for eviction particularly when the landlord-respondents have filed several subsequent applications for eviction during the pendency of the present case.

(2) Mr. Nand Lal Dhingra, the learned counsel for the respondents, has invited my attention to the judgment of A. N. Bhandari, C.J. (as he then was), in *Mathra Das* v. *Om Parkash and others* (1) wherein it has been held that a Court of law possesses inherent powers to act *ex debito justitiae* to do real and substantial justice for the administration of which alone it exists and to do all things that are reasonably necessary for securing the ends of justice within the scope of its jurisdiction. The learned Chief Justice held in that case that every procedure is permissible before a special tribunal unless it is shown to be prohibited by law. For that proposition he relied on the Full Bench judgment of the Allahabad High Court in *Narsingh Das* v. *Mangal Dubey* (2). It is not disputed by Mr. Dhingra that the provisions of Order 6 Rule 17 do not as such apply to proceedings before the Rent Controller. He has on the other hand laid emphasis on the fact that when the powers of a tribunal are not fettered by the special procedure laid down for it by any statute, its powers are wider than that of an ordinary Court. He has contended that the conduct of proceedings before a special Court, the procedure before which is not regulated by any particular law, must be deemed to be in its own discretion. I agree with these submissions of Mr. Dhingra. Only the power to issue summons (to enforce the attendance of a witness and to compel the production of evidence) conferred by the Code of Civil Procedure has been specifically vested in a Rent Controller under section 16 of the Act. I have, therefore, no hesitation in holding that the Court of a Rent Controller has the inherent jurisdiction to allow amendment of pleadings in eviction cases pending before it for good and sufficient reasons. There is no bar in any law to the exercise of that power by a Rent Controller.

(1) 1957 P.L.R. 45.
(2) I.L.R. 5 All. 163.

(3) There is no doubt that the landlord could have included the ground of subsequent subletting in any of the petitions for eviction (on the ground of non-payment of rent for subsequent periods) filed by him after the alleged subletting. That does not, however, mean that if two courses are legally open to a litigant, he should be compelled by the Court to resort to that one out of those which suits the opposite party. As there is no bar to the landlord taking up the additional plea by amending his original petition, he cannot, in my opinion, be compelled to take the new ground only in a fresh application for eviction. Courts should not lend their hands to avoidable multiplicity of proceedings and should always try to effectively decide the matters in issue between the parties in the same litigation so far as it is permissible by law. In the circumstances of the case I do not consider that the Rent Controller acted either illegally or improperly in allowing the application of the landlord-respondents for amending their application for eviction of the petitioner. The desirability of allowing amendment of pleadings to take notice of changed circumstances during the pendency of a case in order to shorten litigation and to avoid circuity of action by the Courts has been authoritatively recognised by the Supreme Court in *Nair service Society Ltd.* v. *K. C. Alexander and others* (3).

(4) In the view I have taken of both the contentions raised by Mr. Gupta, it is unnecessary to deal with the additional argument advanced by Mr. Dhingra on the authority of an unreported judgment of I.D. Dua, J. (as he then was), *Shri Ruldu Ram and others* v. *Shri Sarup Chand* (4) to the effect that section 15(5) of the Act is not intended to permit petitions for revision of interlocutory orders being filed and that the said provision is normally intended to be restricted and confined to an attack against final orders passed under the Act.

(5) For the foregoing reasons this petition must fail and is accordingly dismissed with costs.

K.S.K.

(3) A.I.R. 1968 S.C. 1165.

(4) C.R. No. 528 of 1963 decided on 13th January, 1964.