In both these rulings, however, decrees had been framed and, consequently, they cannot be of any help to respondents. No judgment was cited by the learned counsel for the respondents in which a suit had been filed and the same had ended merely in a judgment and not a decree and yet it was held that that judgment was exempt from registration in view of section 17(2)(vi) of the Act.

(8) The counsel for the petitioners on the other hand, placed his reliance on a Bench decision of the Lahore High Court in *Ghulam Mustafa Khan and others* v. *Ghulam Nabi and others* (3), where it was held:—

> "If a suit has been adjusted in the manner contemplated by Order 23, rule 3, of the Code of Civil Procedure, and the terms and conditions of the adjustment have been reduced to writing by the parties then the writing of the parties may be produced in evidence in any subsequent suit without being registered *only* if the Court has duly recorded those terms and conditions and *passed a decree* in accordance with such of them as are the subject of the then existing litigation."

This decision supports the view that I have taken above.

(9) In view of what I have said, I would accept this appeal, set aside the order passed by the learned Additional District Judge and send the case back to him for deciding the appeal in accordance with law. In the circumstances of this case, however, the parties are left to bear their own costs throughout.

(10) The parties have been directed to appear before the learned Additional District Judge on 22nd October, 1968.

K.S.K.

LETTERS PATENT APPEAL

Before S. B. Capoor and R. S. Narula, JJ,

UNION OF INDIA AND OTHERS,—*Appellants*

versus

KARAM SINGH,—*Respondent*

Letters Patent Appeal No. 78 of 1964

September 30, 1968

Displaced Persons (Compensation and Rehabilitation) Rules (1955)—*Rules* 18 *and* 21—*Assessed value of individual claims of a displaced person for urban immovable properties left in Pakistan—Such displaced person inheriting similar*

(3) A.I.R. 1923 Lah. 581.

claims from another person—Compensation payable for both sets of claims—Whether to be assessed separately.

Held, that Rule 18 of Displaced Persons (Compensation and Rehabilitation) Rules, 1955, expressly provides for contingencies in which assessed value of claims has to be added up for the purpose of determining compensation payable to a displaced person. The making of the said specific provision for certain specified category of cases results in excluding the possibility of such adding up being resorted to in any other case. Rule 21 of the Rules might possibly have provided for clubbing together of the three sets of claims specifically referred to therein but the capacities of a donee or a successor-in-interest or a trustee are not covered by either rule 18 or 19 or 20. There may indeed be many other such capacities. The expression "different capacities" in the said rule has to be read with the manner of determination of the claims in those capacities referred to in the rule itself. Moreover the unit for determining the amount of compensation under rule 16 read with Appendix VIII is the claim and not the claimant. Merely because the right to get compensation in respect of two different sets of claims vests in the same person would not entitle the Government to club the claims together so as to reduce the net amount of compensation payable to the person concerned. Hence the assessed value of individual claims of a displaced person for his urban immovable properties left behind in Pakistan cannot be added up to the assessed value of claims which devolve upon him by inheritance from another person in respect of properties left behind by such other person in Pakistan. The compensation payable is to be assessed separately for the two sets of claims. (Paras 6 and 7)

Letters Patent Appeal under Clause X of the Letters Patent against the judgment of Hon'ble Mr. Justice D. K. Mahajan dated 11th of November, 1963, passed in Civil Writ No. 1556 of 1961.

H. L. Sibal, Advocate-General, Punjab with S. C. Sibal, Advocate, for the Appellants.

H. S. Wasu, Senior Advocate (B. S. Wasu, Advocate with him), for the Respondent.

JUDGMENT

Narula, J.—Since common questions relating to the true construction and proper interpretation of rules 18 and 21 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 (hereinafter called the Central Rules) are involved in each of these appeals (L.P. As Nos. 78 and 146 of 1964) under clause 10 of the Letters Patent, we propose to dispose of both these appeals by this common judgment. The relevant facts of each of these two cases lie in a rather narrow compass and are not at all in dispute.

(2) In Karam Singh's case (L.P.A. No. 78 of 1964) what happened was this. Karam Singh respondent (hereinafter mostly called the petitioner) had left behind in Pakistan at the time of the partition of the country certain properties for which his claim was verified for Rs. 26,659 (*vide* Annexure 'A'. dated 7th August, 1952). His uncle Gurditta Mal got a claim for the properties left by him in Pakistan separately verified for Rs. 23,480 (*vide* order, dated 11th July, 1952 of which annexure 'B' to the writ petition is a copy) in his individual capacity. Gurditta Mal died issueless after having made a will in respect of his properties including the verified claim held by him which had by that time been reduced to Rs. 16,760. Disputes regarding the successors to the compensation payable against Gurditta Mal's verified claim were finally settled by the order of Shri Y. L. Taneja, Settlement Commissioner with delegated powers of the Chief Settlement Commissioner, dated August 8, 1957 (Annexure 'C'). According to the said order, the amount of the verified claim i.e. Rs. 16,760 was divided between the various parties to the said dispute so as to allocate claim worth Rs. 11,243-12-0 to Karam Singh respondent. Gurditta Mal had taken some loan from the Government before his death. It was, therefore, directed by the Chief Settlement Commissioner that the amount of the loan originally taken by Gurditta Mal would be deducted from the compensation payable to his heirs in proportion to the compensation declared to be payable to them. When the statement of account of Karam Singh had to be prepared by the Assistant Settlement Officer for determining the compensation payable to him, the amount of his own verified claim was clubbed together with the share of the verified claim inherited by him from his uncle i.e., the amount of his verified claim was taken as Rs. 37,902-12-0 (Rs. 26,659 plus Rs. 11,243-12-0) and the compensation payable to the writ petitioner was determined on slab basis on that amount. Not satisfied with that order, Karam Singh went in appeal to the Settlement Commissioner. By his order, dated October 29, 1960 (Annexure 'D'), Shri S. C. Dewan, Settlement Officer with delegated powers of the Settlement Commissioner, Amritsar dismissed the respondent's appeal. He held that "the case had been correctly finalised under rule 20 by adding up the personal claim of Karam Singh with his share of the assessed value of the claim of his uncle". He further held that "there is no question of clubbing involved, because in this case the appellant holds his share of the second claim by virtue of successor-in-interest. His own name and right on the date of payment of compensation and the compensation only be paid to

him on the aggregate amount of his claim." Shri C. P. Sapra, Settlement Commissioner, exercising the delegated powers of the Chief Settlement Commissioner, having dismissed the revision petition of the respondent by his order, dated December 7, 1960 (Annexure 'E'), the petitioner approached the Central Government under section 33 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (hereinafter called the Act) but without any success,—*vide* order of the Deputy Secretary to the Central Government, dated April 28, 1961 (Annexure 'F'). Thereupon Karam Singh respondent filed Civil Writ No. 1556 of 1961 in this Court for quashing the impugned order whereby the verified claim of the petitioner had been lumped together with the amount of the claim of his uncle to which he had succeeded under the will and for other appropriate writ, order or directions. The petition of the respondent was contested. By his judgment, dated November 11, 1963, Mahajan, J., sitting in Single Bench allowed the writ petition on the ground that rule 18 had no application to the verified claim in respect of the property which Karam Singh himself had not left behind in Pakistan but which had been left behind there by his uncle Gurditta Mal. He further held that rule 21 applied only to compensation payable on claims verified under rules 18, 19 and 20 and that compensation to which a displaced person may be entitled as successor-in-interest of another displaced person is not covered by that rule. The learned Judge came to the conclusion that "different capacities" in rule 21 refer to the three different specific capacities mentioned in rules 18, 19 and 20 and not to any other capacity. In view of his findings to the above effect, the learned Judge allowed the writ petition, quashed the orders of the Rehabilitation Department clubbing together the personal claim of the respondent and the claim to which he had succeeded by inheritance to his uncle and directed that both these claims should be separately processed. Letters Patent Appeal No. 78 of 1964 has been filed by the Union of India and the Rehabilitation Authorities against the said judgment of the learned Single Judge.

(3) The facts giving rise to Letters Patent Appeal No. 146 of 1964 are that Dewan Badri Das and Col. D. H. Rai, sons of L. Bhagwan Das were real brothers. Both of them got their respective claims for properties left behind in Pakistan verified separately. Thereafter, Col. D. H. Rai died at Delhi on 3rd June, 1955 without leaving any issue behind him. His wife had pre-deceased him. On the application of Dewan Badri Das under section 9 of the Act, Mr. P. D. Sharma, Additional Settlement Commissioner, Punjab, Jullundur, appointed

Dewan Badri Das as the successor-in-interest of Col. D. H. Rai, deceased vide his order, dated March 28, 1956 (Annexure 'A-1'). When the statement of account (Annexure 'A-2') was issued to Dewan Badri Das both the claims were found to have been clubbed together. The appeal of Dewan Badri Das against such clubbing together of his own individual claims with those to which he had succeeded his brother Col. D. H. Rai was rejected by the order of Shri C. P. Sapra, Settlement Commissioner with delegated powers of Chief Settlement Commissioner, dated April 18, 1961 (Annexure 'A-3') on the ground that the word "claim" in rule 3 read with rule 18 of the Central Rules signifies all the claims of the person for which compensation may be claimed in one's individual capacity as-well-as in one's capacity as successor-in-interest of someone else. A further application of Dewan Badri Dass submitted to the Central Government under section 33 of the Act having been dismissed by the order of Shri H. S. Nair, Under-Secretary to the Government of India, dated September 28, 1961, C.W. No. 290 of 1962 was filed in this Court for quashing the impugned orders and for issuing a *mandamus* to the Rehabilitation Authorities to calculate the compensation payable to the petitioner separately on the above-said two claims. For the reasons given in his judgment in *Karam Singh's case*, Mahajan, J., allowed the writ petition of Dewan Badri Das also vide his judgment, dated January 9, 1964. This led to the filing of Letters Patent Appeal No. 146 of 1964 by the Union of India, Chief Settlement Commissioner and the Regional Settlement Commissioner. Dewan Badri Das had died during the pendency of the writ petition and his two sons, viz., Labh Chand and Kashyab Chander had been brought on the record of the writ petition as his legal representatives by the order of the learned Single Judge, dated October 4, 1963. In spite of this fact, Dewan Badri Das was cited as the solitary respondent at the time of filing the Letters Patent Appeal. The appellants, however, subsequently submitted Civil Miscellaneous No. 143, dated 7th January, 1965 for making necessary correction so as to implead Dewan Labh Chand Duggal and Dewan Keshab Chander, Advocate, the above-named two sons of Late Dewan Badri Das as respondents to the appeal. The application was allowed as prayed, subject to all just exceptions, by the order of P. D. Sharma, J., dated 8th February, 1965. No exception to the said order has been taken before us at the hearing of this appeal. From the admitted common factual features of both these cases emerges the following question of law which calls for our decision in both these appeals :—

> "Whether the assessed value of individual claims of a displaced person for his urban immovable properties left

behind in Pakistan can be added up to the assessed value of the claims whcih might devolve upon him by inheritance from another persons in respect of properties left behind by such other person in Pakistan; and whether the compensation payable under the Act is to be assessed on the total value of all such claims or separately for the two sets of claims referred to above ?"

The importance of the answer to the above question lies in this: Section 8 of the Act provides that a displaced person shall be paid out of the compensation pool with the Central Government the amount of net compensation determined under sub-section (3) of section 7 as being payable to him subject to any rules that may be made under the Act. Rule 16 of the Central Rules states that compensation shall be payable in accordance with the scale specified in Appendices VIII or IX as the case may be. We are not concerned with Appendix IX which prescribes the scale of compensation payable to inmates of homes and infirmaries. Appendix VIII prescribes the scale on slab basis of the amount and percentage of compensation payable against assessed value of claims. Upto an assessed value of Rs. 45,000, some rehabilitation grant is also admissible in addition to the compensation. Beyond Rs. 45,000 only compensation mentioned in column 2 of Appendix VIII is payable by the Government to a displaced person. For assessed value of claims upto Rs. 500 the total amount to which a displaced person is entitled is 66.6 per cent. The percentage goes on being reduced as the assessed value of the claim increases. Against a verified claim of Rs. 45,000 only 21.6 per cent is payable in all. For a verified claim of Rs. 18 lakhs the compensation payable is 11.11 per cent, that is, Rs. 2 lakhs, and that is the highest amount of compensation which is payable under the Act read with rule 16 irrespective of the total assessed value of a claim. The effect of the answer to be given to the question framed by me above is that a displaced person would get substantially higher amount as compensation if the compensation payable to him against his individual claims is calculated separately from the compensation payable on the claims inherited by such a person. If the two are allowed to be clubbed together, the total compensation payable to the person concerned is bound to be lesser in accordance with rule 16 read with Appendix VIII of the Central Rules. A patent illustration of the mischief which results from adding up the two sets of claims is demonstrated by

the example of a case where the individual claims of a displaced person for properties left behind by himself is more than Rs. 18 lakhs and the value of the claims inherited by him is likewise more than that amount. If the compensation payable under the two sets of claims is to be calculated separately, the displaced person would get Rs. 4 lakhs. If, however, the two sets of claims are to be clubbed together, he will not get more than Rs. 2 lakhs in all.

(4) In order to appreciate the rival contentions of the learned counsel for the parties on the above-said question, it is necessary to notice at this stage the provisions of rules, 3, 4, 18, 19, 20 and 21 of the Central Rules:—

"3. *Persons entitled to make application for compensation.*— An application for compensation may be made by a displaced person having a verified claim or if such displaced person is dead, by his successor-in-interest."

4. *Form of application for compensation.*—(1) An application for compensation shall be made in duplicate in the form specified in Appenidx I, to the Settlement Officer within whose jurisdiction the applicant actually and voluntarily resides, or carries on business or personally works for gain.

(2) Every such application shall be accompanied by the following documents :—

(a) a questionnaire in the form specified in Appendix II duly answered ;

(b) an affidavit in the form specified in Appendix III duly sworn by the applicant and attested by a magistrate or an Oaths Commissioner or a Justice of Peace or by any other officer competent to administer an oath ;

(c) three passport-size photographs of the applicant;

(d) a certified copy of the claim assessment order :

Provided that where it is not possible for the applicant to obtain such certified copy for any reasons beyond his

control, the Settlement Officer may accept a certificate issued by the authorised officer in the Office of the Chief Settlement Commissioner in lieu of such certified copy;

(e) a certified copy of the Refugee Registration certificate or a Census Card, if any such certificate or card is available with the applicant.

(3) Where an application is made by a successor-in-interest of displaced person having a verified claim, the application shall be accompanied by the following particulars and documents in addition to the documents specified in sub-rule (2) :—

(a) the name and other particulars of deceased claimant and the date and place of his death ;

(b) a death certificate from a local body or other authority or a registered medical practitioner or the Lambardar of the village concerned ;

(c) particulars of all heirs and other near relatives of the deceased and their respective addresses so far as they are known to the applicant ;

(d) a true copy of the will or other document, if any relating to the succession on which the applicant relies for having succeeded to the property of the deceased claimant ;

(e) an affidavit in support of the particulars specified in clauses (a) and (c) verifying the facts.

(4) The documents referred to in sub-rule (2) and the documents referred to in clauses (b), (d) and (e) of sub-rule (3) may be annexed to one copy of the application only.

(5) Where an applicant desires to receive compensation in cash he shall clearly state at the end of the application the Branch of the Imperial Bank from which he desires to receive the payment."

"18. Compensation to be determined on the total value of all claims. For the purpose of determining the compensation payable to an applicant, the Regional Settlement Commissioner shall, except as otherwise provided in these rules, add up the assessed value of all claims of the applicant in respect of all kinds of properties, other than agricultural land, situated in a rural area, left by him in West Pakistan and the compensation shall be assessed on the total value of all such claims."

"19. Special provision for payment of compensation to Joint families—

(1) Where a claim relates to properties left by the members of an undivided Hindu family in West Pakistan (hereinafter referred to as the joint family) compensation shall be computed in the manner hereinafter provided in this rule.

(2) Where on the 26th September, 1955 (hereinafter referred to as the relevant date) the joint family consisted of—

(a) two or three members entitled to claim partition, the compensation payable to such family shall be computed by dividing the varified claim into two equal shares and calculating the compensation separately on each such share;

(b) four or more members entitled to claim partition, the compensation payable to such family shall be computed by dividing the verified claim into three equal share and calculating the compensation separately on each other share.

(3) For the purpose of calculating the number of the member of a joint family under sub-rule (2), a person who on the relevant date—

(a) was less than 18 years of age,

(b) was a lineal descendant in the main line of another living member of Joint Hindu Family entitled to claim partition shall be excluded :

Provided that where a member of a joint family has died during the period commencing on the 14th August, 1947 and ending on the relevant date leaving behind on the relevant date all or any of the following heirs namely:—

(a) a widow or widows.

(b) a son or sons (whatever the age of such son or sons but no lineal ascendant in the main line, then all such heirs shall, notwithstanding anything contained in this rule, be reckoned as one member of the joint Hindu Family.

Explanation.—For the purpose of this rule, the question whether a family is joint or separate shall be determined with reference to the status of the family on the 14th day of August 1947 and every member of a joint family shall be deemed to be joint notwithstanding the fact that he had separated from the family after that date."

"20. *Claims of Co-owners.*—Where a claim relates to a property left, in West Pakistan, which is owned by more than one claimants as co-owners, the unit for assessment of compensation shall be the share of the each co-owner and the compensation shall be payable in respect of each such share as if a claim in respect thereof had been filed and verified separately."

"21. *Mixed claims.*—Where a person holds a number of varified claims in different capacities, the total compensation payable to him shall be determined in accordance with the provisions of Rules 18, 19 and 20."

(5) The analysis of the above quoted rules read with the relevant prescribed forms shows that the two amounts of claims with which we are concerned have to be separately specified in the application for compensation, that rule 18 applies only to such claims which are for properties left behind by the claimant himself in Pakistan and not to any other set of properties, that rule 19 applies to the case of Joint Hindu Families and rule 20 to claims in respect of properties which were jointly owned by more than one person in

Pakistan. The Rehabilitation Authorities, in their impugned orders, held that rule 18 applies to the cases in hand and that the assessed value of claims for properties left behind by the respective writ-petitioners themselves in Pakistan, has to be added up under that rule to the value of the claims inherited by the writ-petitioners. It was fairly and frankly conceded by the learned counsel for the appellants that the said view is patently erroneous inasmuch as claims in respect of properties not left behind by the applicant himself in Pakistan cannot be added up to the claims for such properties under rule 18. Even otherwise, it is clear to us that the conditions precedent for invoking and applying rule 18 for adding up the assessed value of the personal claims of a displaced person are—

(i) that all the claims sought to be added up should be of the applicant himself;

(ii) that all such claims as referred to above must be in respect of all kinds of properties other than agricultural land situated in a rural area;

(iii) that the only claims which can be added up must be for such properties left behind by the applicant himself in West Pakistan; and

(iv) the requirement for adding up claims which satisfy all the abovesaid three conditions shall not be attracted in cases for which provision to the contrary has been made in the Central Rules.

(6) Inasmuch as the Rehabilitation Authorities have added up the assessed value of the claims of properties of the writ petitioners to the assessed value of the claims in respect of properties left behind by the predecessors-in-interest of the writ petitioners who died after the partition of the country, rule 18 can have no application to these cases as the third condition precedent is not satisfied. Error of law in the impugned orders in this respect is apparent. It is equally clear that in none of the two cases before us rule 19 and 20 have any application as none of these cases relates to a joint family or to a case of co-owners. Reliance has, however, been placed by the learned counsel for the appellants on rule 21 for assailing the

orders of the learned Single Judge and for supporting the impugned orders passed by the Rehabilitation Authorities. It was not disputed by the learned Advocate-General that if rule 21 was not there, it would be impossible to justify the impugned orders and the judgment of the learned Single Judge would then have been unassailable. All that, therefore, remains to be seen is whether rule 21 authorises the clubbing together of the two sets of claims with which we are concerned in these two appeals. After a careful consideration of the matter, we are firmly of the opinion that rule 21 does not authorise the impugned action. This rule would be applicable to the case of a displaced person:

(i) who holds a number of verified claims;

(ii) which verified claims are held by the person in different capacities; and

(iii) the different capacities in which the claims sought to be clubbed together are held by the displaced person must be any two or more out of the three capacities referred to in rules 18, 19 and 20 only.

If all the abovesaid three conditions are satisfied, the total compensation payable to such a displaced person has to be determined in accordance with the provisions of the three rules viz. rules 18, 19 and 20. It is unnecessary to decide whether "total compensation" to be determined "in accordance with the provisions of rules 18, 19 and 20" would mean the total of the compensation determined separately under rules 18, 19 and 20 or would mean compensation determined after totalling the assessed values of the three sets of claims referred to in the three rules. It is unncessary to do so because the writ petitioners have no objection to the claims falling under rule 18 being added together, i.e. the adding up of the claims for properties left behind by the respective writ-petitioners themselves in Pakistan. Since the other claims which have been added to the above said claims do not fall either under rule 19 or rule 20 and since rule 21 does not cover any category of cases not falling within rules 18, 19 or 20 the claims held by a displaced person as successor-in-interest of their respective predecessors-in-interest were not liable to be added up on account of anything contained in rule 21. The second set of amounts to the addition of which the respondents object were

determined to be payable to them under section 9 of the Act read with rule 86 of the Central Rules on account of inheritance. Rule 18 expressly provides for the contingencies in which assessed value of claims has to be added up for the purpose of determining compensation payable to a displaced person. The making of the said specific provision for certain specified category of cases results in excluding the possibility of such adding up being resorted to in any other case. A somewhat similar question arose in *Vanguard Fire & General Insurance Co. Ltd.* v. *Sarla Devi & others* (1), in connection with the interpretation and scope of section 96(6) of the Motor Vehicles Act, 1939. The relevant question was whether the providing of certain specified defences which could be taken up by an insurer in a third party claim without any express restriction on the other defences which an insurer could take excluded such other defences or not. Bishan Narain, J., who prepared the judgment of the Division Bench and with whom my Lord Capoor, J., agreed, disposed of the said point in the following passage :—

> "The next contention relates to construction of the provisions contained in section 96 of the Motor Vehicles Act. It is argued that section 96(2) does not prohibit any defence open to the insurers under general law as defendants though it mentions some of them as illustrations and that sub-section (6) deals with "manner" or procedure and imposes no restriction on defences open to the insurers after they have been impleaded in the suit. I see no force in this contention. Sub-clause (2) lays down that the insurers can contest the suit on the grounds specified therein. It is true that this sub-section does not contain any specific mandate or prohibition but it appears to me that a mention of some of the defences in this statutory provision necessarily excludes other defences otherwise the legislature need not have mentioned any particular ground of defence at all. This is made absolutely clear by sub-clause (6), which does not deal with procedure but with grounds on which the insurer can avoid his liability. In my opinion, it is clear from this provision that the insurers can resist the suit only on those grounds mentioned in sub-clause (2) of section 96 when it exercises its right to be

(1) 1959 P.L.R. 683.

impleaded as a party on receipt of notice from the Court in a suit filed by the injured person against the assured."

On the analogy of the ratio of the judgment on the above said point in the case of *Vanguard Fire & General Insurance Co. Ltd.* (1), it seems to be clear that in the absence of any other specific provision authorising the adding up of such claims, the specific provision in rule 18 excludes the possibility of such clubbing together to be resorted to in cases not covered by that rule. Even the body of rule 18 (already analysed) makes it clear that there may indeed be exceptions to rule 18. But there is no indication in that rule or in any other one that adding up has to be resorted to in any case not covered by that rule. According to the learned counsel for the appellants, rule 21 would become superfluous if the interpretation sought to be placed on it by the respondents is allowed to prevail. We do not agree with this contention. Rule 21 might possibly have provided for clubbing together of the three sets of claims specifically referred to therein but does not in any event apply to the cases in hand for the reasons already assigned. The capacities of a donee or a successor-in-interest, or a trustee are not covered by either rule 18 or 19 or 20. There may indeed be many other such capacities. The expression "different capacities" in the said rule has to be read with the manner of determination of the claims in those capacities referred to in the rule itself. It was then sought to be argued that the capacity of the writ-petitioners in these cases in respect of both the sets of claims was the same, that is, "individual capacity" and not any other capacity and, therefore, the claims were rightly added together under rule 18. It was, however, soon realised by the learned counsel for the appellants that this argument would directly impinge against the accepted interpretation of rule 18 which does not allow the adding together of claims for properties left behind in Pakistan by some one other than the claimant himself.

(7) The construction sought to be placed on the relevant rules by the appellants also appears to be opposed to the scheme of the Act. The unit for determining the amount of compensation under rule 16 read with Appendix VIII is the claim and not the claimant. Merely because the right to get compensation in respect of two different sets of claims vests in the same person would not entitle the Government to club the claims together so as to reduce the net amount of compensation payable to the person concerned unless there

is express provision in the Act or rules to the contrary. No such provision has been shown to us. In *Uttam Chand* v. *Chief Settlement Commissioner and another* (2), it was held by Shamsher Bahadur, J., while interpreting rule 65 of the Central Rules that the scheme of the Act leaves no room for doubt that individual person's claim has to be dealt with separately from the claim originally verified in favour of the claimant's father. The same principle would apply to the matter in hand. The object of the Act as contained in its preamble is to provide for payment of compensation and rehabilitation grants to displaced persons. In the absence of any specific provision to the contrary it does not appear to be consistent with the said object of the Act to construe the relevant rules in the manner canvassed by the learned Advocate-General. Even otherwise it is a settled principle of interpretation of statutes that in case of any doubts, Courts must lean in favour of the subject and so harmoniously construe the relevant statutory provisions as to avoid impairing obligations and to advance the objects of the relevant Act. Even if, therefore, there could be any doubt as to which of the two rival constructions sought to be placed on rule 21 is correct, we would lean towards the interpretation of the rule which advances the declared object of the Act to pay compensation to displaced persons in respect of verificd claims for properties left behind in Pakistan. Both sides agreed that the language of rule 21 is neither very happy nor very clear. We are, therefore, bound to apply the above mentioned principle of interpretation and lean in favour of the respondents by placing a beneficial construction on the said rule.

(8) No other argument having been addressed to us on behalf of the appellants, we find no reason to differ from the view taken by Mahajan, J., on the question in dispute. We are, therefore, left with no choice but to dismiss both these appeals with costs and we order accordingly.

S. B. Capoor, J.—I agree.

K.S.K.

(2) A.I.R. 1962 Pb. 163.