

Bhagwan Dass Gupta

Vs

Balwant Singh

Civil Appeal No. 2396 of 1989

(L. M. Sharma, M. H. Kania JJ)

12.04.1989

ORDER

1. Special leave granted. Counsel heard.

2. We are of the view that this is not a matter in which leave to defend should have been refused. It is true that in a civil court a decree has been passed on the basis of the will which has been questioned by the tenant in the proceedings before us. But he was not a party in those proceedings. No probate of the will has been granted. In these circumstances, we set aside the impugned judgment and grant leave to the appellant to defend the eviction proceedings. Written statement to be filed by the appellant within four weeks from today. The eviction proceedings may be disposed of by the Rent Controller as early as convenient.

3. The appeal is accordingly disposed of. No order as to costs.

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