

1906

IN THE
MATTER
OF THE
PETITION OF
MUHAMMAD
ABDUL
HAI.

misconduct as aforesaid" relate to all the cases set out in section 13. In reply my attention was called to the case—*In the matter of a Pleader* (1), in which the writing of an anonymous letter by a pleader containing allegations which were intended to prejudice the mind of an officer in connection with a matter which he was investigating was held by the Madras High Court to be "other reasonable cause" within the meaning of clause (f) of section 13. In so holding that High Court added that they accepted the interpretation of clause (f) of section 13 of the Legal Practitioners' Act of 1879 which was adopted by the Calcutta High Court in *In the matter of Purna Chunder Pal, Mukhtar*. Holding therefore, as I do, that the subordinate Court has jurisdiction to take action under section 14 of Act No. XVIII of 1879, I find no cause for interfering. I dismiss the application.

1906
August 13.

APPELLATE CIVIL.

Before Mr. Justice Aikman.

KUNDAN AND OTHERS (DEFENDANTS) v. BIDHI CHAND (PLAINTIFF).^{*}
Act No. V of 1882 (Easements Act), section 4—Easement—Right of privacy—
Suit by occupier of house.

Not only the owner, but the lessee or other person in lawful possession of premises may maintain an action if his right of privacy is interfered with. *Gokal Prasad v. Radho* (2) referred to.

THE plaintiff in this case sued as a lessee of a certain house to obtain an injunction for the closing of a door opened by the defendants upon the ground that the door in question interfered with the plaintiff's right of privacy. The Court of first instance (Munsif of Koil) decreed the plaintiff's claim, and the lower appellate Court (additional Subordinate Judge of Aligarh) affirmed the decree though in a modified form. The defendants appealed to the High Court, urging mainly that the plaintiff, not being the owner of the house, had no right to sue.

Munshi Gulzari Lal, for the appellants.

^{*} Second Appeal No. 255 of 1905, from a decree of Muulvi Maula Baksh, Additional Subordinate Judge of Aligarh, dated the 13th of January 1905, modifying a decree of Babu Jagat Narain, Munsif of Koil, dated the 5th of May 1904.

(1) (1902) L. L. R., 26 Mad., 446.

(2) (1888) I. L. R., 10 All., 353.

Mr. *M. L. Agarwala* (for whom *Munshi Gobind Prasad*),
for the respondent.

AIKMAN, J.—The plaintiff, who is respondent here, obtained from the lower appellate Court an injunction directing the appellants to close a certain door, which had been opened by them on the ground that it interfered with the plaintiff's privacy. The defendants come here in second appeal. The only plea urged before me is that the plaintiff could not maintain the suit as it was not shown that he was the owner of the house, the privacy of which was interfered with. In support of this plea reference is made to the case—*Gokal Prasad v. Radho* (1). It is true that at page 387 of the judgment in that case, it is said that an owner of a house has a good cause of action where there is substantial interference with the right of privacy. But I cannot take this as deciding that the owner only has a good cause of action in such a case. There is no reason why a lessee, or other person who is in lawful possession of premises, may not maintain an action if his right of privacy is interfered with. No plea is set up here to the effect that the door was opened with the consent of the owner of the house occupied by the plaintiff. The learned vakil for the appellants practically admits that the language of section 4 of the Easements Act, which defines an easement as a right which the owner or occupier of land possesses, is against him. I dismiss the appeal with costs.

The objection under section 561 of the Code of Civil Procedure is not pressed and is likewise dismissed.

Appeal dismissed.

(1) (1888) I. L. R., 10 All., 358;