

515. — The lessor is not liable for eviction in the following cases:

1) If no action was entered and the lessor proves that the rights of the lessee were lost on account of the fault of the lessee.

2) If the lessee did not summon the lessor to appear in the action, and the lessor proves that he would have succeeded in the action if summoned to appear.

3) If the lessor appeared in the action, but the claim of the lessee was dismissed on account of the fault of the lessee.

In any case the lessor is liable whenever he is summoned to appear in the action and refuses to take the part of the lessee as joint defendant or joint plaintiff.

*ILLUSTRATION.* — *A hires from B a house. C claims the house by virtue of a title deed. It appears that originally C was the lawful owner of the house and B had no right over it, but C abandoned the house and B has acquired it by way of usucapion. Three cases may happen:*

*I. — A restores the house to C before any action for ejectment be entered by C and claims compensation from B. B proves that C's rights were really extinguished and that A lost his rights by omitting to make such objection to C. B is not liable to A.*

*II. — C enters an action against A. A does not summon B to appear in the action and omits to argue that C's rights are extinguished. Judgment is given against A, who is ejected from the house. A claims compensation from B. B proves that C's rights were extinguished and that A omitted to object it to C. B is not liable to A.*

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