

Nathi Devi Vs. Radha Devi Gupta

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Court : Supreme Court of India

Decided On : Feb-01-2000

Reported in : (2000)9SCC249

Judge : S.P. Bharucha,; N. Santosh Hegde and; Ruma Pal, JJ.

Appellant : Nathi Devi

Respondent : Radha Devi Gupta

Judgement :

ORDER

1. We are concerned with the interpretation of Section 14-D of the Delhi Rent Control Act, 1958. Sub-section (1) thereof reads as follows:

“14-D. Right to recover immediate possession of premises to accrue to a widow.-
(1) Where the landlord is a widow and the premises let out by her, or by her husband, are required by her for her own residence, she may apply to the Controller for recovering the immediate possession of such premises.”

2. Specifically the issue is in relation to the meaning of the words “let out”. Do they mean the creation of a fresh tenancy or do they refer to an existing tenancy? If the former, the section can be resorted to only by the creator of the tenancy (widow or her late husband). If it is the latter, even a transferee (widow) is entitled to invoke it. We find that there is some conflict in the views taken by two Benches of three

learned Judges each. An observation in the judgment in Surjit Singh Kalra v. Union of India¹ suggests that the words “let out” refer only to the creation of a tenancy. On the other hand, the judgment in Kanta Goel v. B.P. Pathak² interprets the words “let out” in the context of Section 14-D of the Act to mean that even a transferee landlord can invoke the provision. It is, in these circumstances, necessary that this appeal should be heard by a Bench of five learned Judges. It shall be so placed after obtaining the directions of the Hon'ble the Chief Justice of India in this regard.

Court Masters

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