

Santosh Devi Soni Vs. Smt. Chand Kiran

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SooperKanoon Citation : sooperkanoon.com/679860

Court : Delhi

Decided On : Sep-20-1999

Reported in : 1999VIAD(Delhi)100; 82(1999)DLT417; 1999(51)DRJ605

Judge : Vijender Jain, J.

Acts : [Delhi Rent Control Act, 1958](#) - Sections 14D

Appeal No. : Civil Revision No. 1098 of 1997 and CMs. 3817/97, 1701/98 & 4389/99

Appellant : Santosh Devi Soni

Respondent : Smt. Chand Kiran

Advocate for Def. : Mr. R.N. Vats, Advocate

Advocate for Pet/Ap. : Ms. Amrit Kaur Oberoi, Advocat

Judgement :

ORDER

Vijender Jain, J.

1. Aggrieved by the order passed by the Addl. Rent Controller allowing the eviction petition of the respondent under Section 14D of the Delhi Rent Control Act, the petitioner has filed the present petition. Eviction order was passed against the

petitioner on 22.8.1997. In view of the pendency of this petition in this Court, a classified landlady has been denied the accommodation which was required by the her.

2. Learned counsel for the petitioner has contended that in addition to the lease-deed which was executed by the petitioner on 3.9.1990, inter alia, giving two rooms on the second floor under the tenancy of the petitioner subsequently by an oral agreement another two rooms were given to the petitioner. Learned counsel for the petitioner has contended that a sum of Rs. 85,000/- was given to the respondent for providing additional accommodation on the second floor. Another contention of the learned counsel for the petitioner is that the size of the family of the respondent and the accommodation available with her disentitles the respondent for an order of eviction.

3. I have heard the arguments advanced by learned counsel for both the parties. The stand of the petitioner that there were two agreements is devoid of any merit. The rate of rent as per the tenancy agreement which was executed on 3.9.1990 was Rs. 650/-. It does not stand to reason, if one believes the story concocted by the petitioner, that additional two rooms were provided to the petitioner on second floor without enhancing rent. It also cannot stand to reason that a tenant who has made payment of Rs. 85,000/- will get a receipt of Rs. 50,000/- only. The conduct of the petitioner/tenant lacks credence. In the pleading before Addl. Rent Controller, the petitioner has even denied the factum of respondent having become widow. The argument of the petitioner that the respondent has got sufficient accommodation for herself and members of her family dependent on her, is also baseless. The respondent has got three sons, one of them is married, another son at the time of the impugned order studying in the Delhi College of Engineering, has since passed out and the third son aged 25 years has also grown up and is doing his business. All of them are of marriageable age. therefore, it cannot be said that the accommodation is sufficient with the respondent. No ground to interfere.

4. Appeal Dismissed.

