

**Manohar Singh Vs. Kamla Devi**

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**Court :** Delhi

**Decided On :** Feb-11-1980

**Reported in :** 1980RLR462

**Judge :** M.L. Jain, J.

**Acts :** [Delhi Rent Control Act, 1958](#) - Sections 14(2)

**Appeal No. :** Second Appeal No. 241 of 1974

**Appellant :** Manohar Singh

**Respondent :** Kamla Devi

**Advocate for Pet/Ap. :** N.R. Suri and; H. Arora, Advs

**Judgement :**

**M.L. Jain, J.**

(1) The respondent-landlord filed an eviction petition on the ground of non-payment of rent. By his order dated September 26, 1969, the Addl. Rent Controller Delhi directed that, as per the agreement of the parties, the tenant shall pay Rs. 500. Go immediately and the balance by monthly Installments of Rs. 55 00 Along with the monthly rent payable in future. He also directed that this order would be deemed to be an order under sub.section (1) of S. 15 of the [Delhi Rent Control Act, 1958](#), and any non-compliance thereof will make the tenant liable to eviction.

It appears that the tenant made these payments and escaped eviction. But later on he again defaulted in payment of rent and the landlord had to file another eviction petition out of which the present second appeal arises. The Addl, Rent Controller by his order dated February 21, 1974, refused to make an order under sub-section (1) of S. 15 because the tenant had already taken advantage of this provision once before and he was liable to eviction under S. 14(1)(a) of the said Act. He accordingly, directed eviction. Upon appeal, the Rent Control Tribunal upheld the decision of the Additional Rent Controller and dismissed the appeal.

(2) In this second appeal it was urged that the previous order of September 26, 1969, was not an order within the meaning of sub-section (1) of S. 15 of the said Act. According to that sub-section the Controller can direct that the arrears of rent should be paid within one month while the payment of arrears in this case was spread over about two years and, therefore, that was not an order within the meaning of section 15(1) and it cannot be said that the tenant had taken benefit within the meaning of the proviso to sub-section (2) of S. 14. This matter stands concluded by a judgment of this court reported in Chittar Singh V. Banarsi lal 1976 R.C.R. 641. B.C. Misra, J., had held that the Controller is empowered to give more time than is permissible under subsection (1) of S. 15, and if more time is granted even then the order shall be deemed to have been made under this sub-section. I am in respectful agreement with this view and since the matter already stands settled, the present appeal raises no substantial question of law and is hereby dismissed with costs.

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