

Badami Devi Vs. Sher Singh and anr.

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Court : Delhi

Decided On : Mar-27-1992

Reported in : 47(1992)DLT486; 1992(22)DRJ509; 1992RLR276

Judge : G.C. Mittal, J.

Acts : [Delhi Rent Control Act, 1958](#) - Sections 15(1)

Appeal No. : Second Appeal No. 54 of 1978

Appellant : Badami Devi

Respondent : Sher Singh and anr.

Advocate for Pet/Ap. : S.P. Mahajan and; V.K. Srivastava, Advs

Judgement :

(1) 'WHETHER tender or payment of advance rent by a tenant in compliance with the provisions of Section 15 of the [Delhi Rent Control Act, 1958](#), before the Rent Controller would be a valid tender or not?', is the main point for consideration before me in this appeal.

(2) Learned counsel for the appellant-landlord relies on the decision of the Supreme Court in Shri Vidya Prachar Trust v. Pt. Basant Ram, : [1970]1SCR66 , but fairly concedes that there are two later judgments of the Supreme Court which go against the landlord. See: Duli Chand v. Moman Chand : AIR 1979 SC1307

and Mangat Rai v. KidarNath, : [1981]1SCR476 .

(3) While in Duli Chand's case (supra) the decision in Vidya Prachar Trust (supra) was distinguished, but in Mangat Rai's case (supra) that decision had specifically been considered not laying down good law. It has been held in Mangat Rai (supra) that the deposit of rent whether with the Rent Controller or under Section 31 of the East Punjab Relief of Indebtedness Act, 1934, would be a valid tender within the meaning of section 15 of the [Delhi Rent Control Act, 1958](#). It is also clearly held that even if an advance rent is paid by the tenant, that does not make the tender or deposit invalid.

(4) The eviction was also sought on few other grounds, on which issues were framed and evidence was led. The Rent Controller as also the Rent Control Tribunal decided the matter on facts against the landlord and dismissed the petition. No reasonable arguments on those questions of facts, decided by the courts below, have been raised. On a consideration of those facts also, I do not find any ground for interference in the second appeal.

(5) For the reasons recorded above, the landlord's appeal is dismissed with no order as to costs.

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