

**Ajit Kumar Vs. Surinder Kumar and Sons**

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**Court :** Delhi

**Decided On :** Jul-21-1998

**Reported in :** 74(1998)DLT522; 1998(46)DRJ535

**Judge :** C.M. Nayar, J.

**Acts :** [Delhi Rent Control Act, 1958](#) - Sections 15(1) and 15(4)

**Appeal No. :** C.M.(M) 475 and 477/96 and C.M. Nos. 2201 and 2203/96

**Appellant :** Ajit Kumar

**Respondent :** Surinder Kumar and Sons

**Advocate for Def. :** J.N. Verma, Adv. for Respondent No. 1

**Advocate for Pet/Ap. :** S.S. Gautam, Adv

**Judgement :**

C.M, Nayar, J.

1. The present petitions are directed against the Order dated 24th August, 1995 passed by the Additional Rent Controller, Delhi as well as the Appellate Order dated 26th July, 1996 passed by the Rent Control Tribunal, Delhi. The Rent Controller refused to pass orders under the provisions of Section 15(1) as well as 15(4) of the Delhi Rent Control Act (hereinafter referred to as the Act). The learned Judge held that there was a question of disputed rights on the basis of the Wills

which cannot be decided at that stage as it is not clear as to who has the right to recover the rent and who is the landlord of the premises in question and unless that point is settled by a competent court no order can be passed under the provisions of Section 15(4) of the Act. The Rent Control Tribunal upheld the Order passed by the Additional Rent Controller and came to the conclusion that till the trial court adjudicated upon the rights of the parties no order can be passed under the provisions of Section 15(1) as well as under Section 15(4) of the Act.

2. The admitted case is that there are certain disputes which require consideration between the petitioner as well as the other persons who claim themselves to be the landlords of the premises. It is also stated by learned counsel for the respondent that some of these persons have not even joined these proceedings. thereforee, it is contended that no order can be passed under the provisions of Section 15(1) as well as under Section 15(4) of the Act. Admittedly the learned Additional Rent Controller as well as the Rent Control Tribunal are quite correct in not passing any orders under the provisions of Section 15(1) of the Act as it cannot be said at this stage with certainty as to who is the landlord of the premises to whom the rent is payable in accordance with law. However, there is no justification in not passing an Order under the provisions of Section 15(4) which may be reproduced as follows:-

'15(4) If, in any proceeding referred to in Sub-section (1) or Sub-section (2), there is any dispute as to the person or persons to whom the rent is payable, the Controller may direct the tenant to deposit with the Controller the amount payable by him under Sub-section (1) or Sub-section (2) or Sub-section (3), as the case may be, and in such a case, no person shall be entitled to withdraw the amount in deposit until the Controller decides the dispute and makes an order for payment of the same.'

3. The above provision clearly specifies that if there is any dispute as to the person or persons to whom the rent is payable, the Controller may direct the tenant to deposit with the Controller the amount payable by such a tenant in the manner as provided in the above said provision. The respondent-tenant shall, thereforee, deposit the rent with the Controller in terms of the provisions of Section 15(4)

which shall not be withdrawn by the petitioner or any of the contesting persons alleging themselves to be entitled to receive the same as landlord or landlords as the case may be till the controversy between them is finally adjudicated and settled. The parties shall take necessary steps to bring all the persons before the Court which is adjudicating the rights between them so that effective decision is rendered to determine the status of each such party as a landlord to whom rent shall be payable. The arrears of rent shall be deposited within a period of six weeks and the respondents shall continue to deposit the same on the tenth day of each succeeding month. The petitions are disposed of in the above terms.

4. Let copy of the Order be given duly to counsel for the parties.

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