

S. K. Khosla

Vs

Mrs Baljit K. Sial

Civil Appeal No. 2062 of 1982

(E. S. Vankataramiah, R. B. Mirsa JJ)

15.12.1983

ORDER

1. Having heard Shri P. P. Rao, learned counsel for the appellant and Shri Yogeshwar Prasad, learned counsel for the respondent, we are of the view that the Rent Controller was not right in directing the eviction of the appellant from the premises in question before holding an enquiry into the case which he intended to do in this case. This is clear from the following passage appearing in the Judgment of the Rent Controller which runs thus :

Hence I hereby pass an order directing that the warrants of possession be issued. The petitioner is directed to appear before the Administrative Sub-Judge, Delhi on April 19, 1982. For report and also for evidence of the respondent an objection on July 16, 1982 vide PF, DM within 15 days.

The circumstances of this case did not warrant the issue of the process for delivery of possession of the demised premises before the case of the appellant was considered in the light of the provisions of Section 21 of the Delhi Rent Control Act, 1958 as explained by this Court in S. B. Noronah case (S.B. Noronah v. Prem Kumari Khanna, (1980) 1 SCR 281 : (1980) 1 SCC 52) We, therefore, set aside the orders passed by the High Court, the Rent Control Tribunal and the order of the Additional Rent Controller, Delhi dated April 7, 1982 and direct the Additional Rent Controller, Delhi to decide this case within 4 weeks from today. We are informed that the case is posted before the learned Additional Rent Controller, Delhi for hearing on December 16, 1983 (tomorrow). The parties are directed to appear before the Additional Rent Controller tomorrow without awaiting any notice from that Court and request the Additional Rent Controller to fix a convenient date for further proceedings so that, the case can be disposed of within 4 weeks as directed above. If the Rent Controller is not able to dispose of this case within 4 weeks he should submit a report to this court containing the reasons for not disposing of the case within 4 weeks and seek further directions. We hope that such a contingency would not arise in this case.

2. The appeal is accordingly disposed of with no order as to costs.

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