

HEM CHAND AND ORS.  
v.  
HARI KISHAN ROHTAGI AND ORS.

SEPTEMBER 25, 2001

[SYED SHAH MOHAMMED QUADRI AND S.N. PHUKAN, JJ.]

*Rent and Eviction:*

*Delhi Rent Control Act, 1958 :*

*S.14(1)(b)—Petition for eviction of tenants and sub-tenants—On ground of sub-letting without consent of landlord—Rent Controller, Tribunal and High Court's findings that induction of one of the sub-tenants was without consent and ordering his eviction only—Other sub-tenants were inducted into possession of different premises with consent—Landlord's plea that since other sub-tenants were occupying premises, eviction of tenants should also have been ordered—Held, since other sub-tenants were inducted with consent of landlord, there can be no legitimate complaint of sub-letting, and therefore, neither the tenants nor such other sub-tenants could have been ordered eviction merely because one of the sub-tenants was inducted into possession of a portion of tenanted premises without consent of landlord—Not a fit case to order eviction of tenants under s.14(1)(b).*

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 9116-17 of 1996.

From the Judgment and Order dated 23.2.96 of the Delhi High Court in S.A.O. No. 112 and 113 of 1979.

Ashok Grover, N.M. Popli, Ms. Anupama Grover, Sanjeev Kumar and Bharat Sangal for the Appellants.

S.K. Bagga, Rajinder Mathur and Seeraj Bagga for the Respondents.

The following Order of the Court was delivered :

The dissatisfied landlord is in appeal by special leave against the judgment and order of the High Court of Delhi in Second Appeal Nos. 112-113/1979 dated February 23, 1996.

A       The appellants filed Suit No. E-384/70 in the Court of Shri M.A. Khan.  
VI Additional Rent Controller, Delhi seeking eviction of respondent nos. 1 to  
5 on three grounds; however, the only ground which survives is provided under  
clause (b) of sub-section (1) of Section 14 of the Delhi Rent Control Act, 1958  
(for short 'the Act'). The allegation of the appellants was that respondent no.  
B       5 was inducted as sub-tenant without the written consent of the appellants and  
therefore respondent nos. 1 to 4 who are the tenants should be evicted from  
the said premises. The respondents took the plea that the consent was obtained  
to sublet the premises.

C       The learned Rent Controller, the Rent Tribunal and the High Court found  
that subletting in favour of the 5th respondent was without the consent of the  
appellants and ordered his eviction, however, the grievance of the appellants  
is that the other six sub-tenants are occupying various portions of the tenanted  
premises and therefore the courts ought to have ordered eviction of respondent  
nos. 1 to 4 instead of confining the order of eviction to respondent no. 5, one  
D       sub-tenant only. It appears from the pleadings that in the eviction petition the  
landlord stated that out of 8 sub-tenants, six sub-tenants were inducted into  
possession of different portions with his consent. If that be so, neither the  
tenants nor the sub-tenants could have been ordered to be evicted merely  
because one of the sub-tenants was inducted into possession of a portion of  
tenanted premises without the consent of the landlord. So far as respondent nos.  
E       1 to 4 as well as the other sub-tenants are concerned there can be no legitimate  
complaint of sub-letting because even according to the petition of the appellants  
they were inducted as the sub-tenants with his consent. This is not a fit case  
to order eviction of respondents 1 to 4 under Section 14(1)(b) of the Act. We  
therefore find no illegality in the order of the High Court warranting our  
F       interference. The appeals are therefore dismissed, but in the circumstances of  
the case, without costs.

R.P.

Appeals dismissed.