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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Reserve: February 11, 2010

Date of Order: March 22, 2010

+ CM(M)1065/2005

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22.03.2010

Girdhari Lal Sachdeva & Anr.

...Petitioners

Through: Mr. Sudhanshu Batra and Mr. Bhuvan Gu gnani, Advocates

Versus

Hari Chand Grover

...Respondent

Through: Mr. Pramod Ahuja, Advocate

+ CM(M)1055/2005

%

Hari Chand Grover

... Petitioners

Through: Mr. Pramod Gupta, Advocate

Versus

Girdhari Lal Sachdeva & Anr.

...Respondent

Through: Mr. Sudhanshu Batra and Mr. Bhuvan Gu gnani, Advocates

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. The petitioner has approached this Court under Article 227 of the Constitution of India against an order dated 5th April, 2005 of learned RCT whereby learned RCT ordered for deposit of rent of the premises in question for the disputed period @ Rs.1,000/- per month including the period of August 2002 to January, 2003 (the tenant was saying that the rent was @ Rs.200/- per month) but did not allow the petitioner to withdraw this rent and stated that this rent shall remain deposited in the Court.

2. I think that the purpose of Section 15(1) of Delhi Rent Control Act is that the landlord should not be deprived of the rent/ user charges when the tenant was in occupation of the premises during the pendency of proceedings. If this amount remained deposited with the Court, practically the purpose of Section 15(1) of DRC Act stands defeated.

3. I, therefore, consider that it would be appropriate that the learned ARC should release the rent in favour of petitioner herein, on petitioner's giving an undertaking to the RC /ARC that in case the Court arrived at a conclusion that this amount was to be paid back, the petitioner shall pay back the amount to the respondent with interest @ 7% per annum.

4. With above directions, both the petitions stand disposed of.

March 22, 2010
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SHIV NARAYAN DHINGRA J.