

(1994) 01 SC CK 0116
In the Supreme Court Of India
Case No : Civil Appeal No. 2808 Of 1986

Ghoorey Lal

APPELLANT

Vs

Sheo Murti Gupta and Another

RESPONDENT

Date of Decision : 11-01-1994

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 20(4)

Citation : (1995) 1 SCC 198 Supp

Hon'ble Judges : S. Mohan, J; M. K. Mukherjee, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. In this case having regard to the stand taken by the appellant in his written statement, we think it is not an unconditional deposit under Section 20(4) of the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (Act XIII of 1972). In fact, after narrating that the landlord did not have title in paragraph 15 it is averred:

"THAT though the respondent, in the above circumstances, does not admit to being the tenant of the plaintiff, still, without prejudice to his rights regarding the rate of rent, has deposited on 21/09/1978, the entire alleged rent from August 1, 1975/07/1978 at the rate of Rs. 10.00 per month along with cost of the suit and interest thereon, in total Rs. 553.25 by tender dated 21/09/1978 in the court of Judge, Small Cause court, Allahabad in Sheo Murti Gupta v. Ghooreylal. Therefore, the respondent is entitled to the protection given by Section 20(4) of the U.P. Act No. 13 of 1972 against eviction."

2. The fact that even here no unmistakable term denies the title of the landlord would amount to a conditional deposit. The court below is correct. The civil appeal stands dismissed. The question of grant of time is left to the executing court. No costs.