

Keshhardeo Singhanian vs Purushottamdas Bhiwanwala And Ors. on 10 February, 1983

Equivalent citations: AIR1983SC354B, 1983(1)SCALE203, (1983)3SCC40, AIR 1983 SUPREME COURT 354(2), 1983 (3) SCC 40, 1983 HRR 394(1), 1983 UJ(SC) 397, (1983) 2 RENC 196

Bench: A.N. Sen, D.A. Desai

ORDER

1. Special leave granted.
2. The only question raised in this appeal is whether the deposit of rent made by the appellant is a valid deposit.
3. We heard Dr. Y.S. Chitale, learned Counsel for the appellant and Mr. A.K. Sen, learned Counsel for respondents. After hearing learned Counsel we are satisfied that in the peculiar facts of the case deposit of rent made by the appellant for the purposes of West Bengal Premises Tenancy Act must be treated as valid. An application was moved by the respondents for striking out the appellant's defence on the ground that the deposit of rent is not a valid deposit. The deposit having held to be valid, there is no question of striking out the defence. Decision of the High Court reversing the decision of the Trial Court in a revision petition at the instance of respondent landlord does not commend to us and must be reversed. Accordingly, we set aside the decision of the High Court and restore the order of the learned trial Judge and remit the case to the Trial Court to proceed further in accordance with law and dispose it of on merits as expeditiously as possible. There will be no order as to costs.
4. As we are of the opinion that the deposit of rent is valid for the purposes of West Bengal Premises Tenancy Act it would be open to the respondents to withdraw the amount deposited by the appellant without prejudice to any contention, save the validity of deposit of rent for the purposes of West Bengal Premises Tenancy Act, that they may desire to raise in the suit.
5. The appeal is allowed to the extent herein indicated with no order as to costs.