



# **ANDHRA PRADESH**

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**Judicial Services Exam**

**CIVIL JUDGE (Junior Division)**

**High Court of Andhra Pradesh**

**Substantive Law**

**Volume - 2**



# ANDHRA PRADESH JUDICIARY EXAM

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# Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 (Act No. 15 of 1960)

## 1. Short title and application

- (1) This Act may be called the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960.
- (2) (a) This Act, except sub-section (2) of Section 3, shall apply to the cities of Hyderabad and Secunderabad Visakhapatnam and Vijayawada and to all Municipal Corporations and Municipalities in the State of Andhra Pradesh.  
(b) Sub-section (2) of Section 3 shall apply to the cities of Hyderabad and Secunderabad, "Visakhapatnam and Vijayawada" to any Municipal Corporation or Municipality in the State of Andhra Pradesh, if the State Government, by notification in the Andhra Pradesh Gazette, so direct.  
(c) The State Government may, by notification in the Andhra Pradesh Gazette, apply all or any of the provisions of this Act except sub-section (2) of Section 3 to any other area in the State of Andhra Pradesh with effect from such date as may be specified in the notification, and may cancel or modify any such notification.

## 2. Definitions:

In this Act, unless the context otherwise requires:

- (i) 'Andhra Area' means the territories which immediately before the 1st November, 1956, were comprised in the State of Andhra;
- (ii) 'Authorised Officer' means any officer authorised by the Government under sub-section (1) of Section 3.
- (iii) 'Building' means any house or part of a house or hut, let or to be let separately for residential or non-residential purposes and includes:
  - (a) The gardens, grounds, garages and out-houses if any, appurtenant to such house, but or part of such house or but and let or to be let along with such house or but or part of such house or hut;
  - (b) Any furniture supplied or any fittings affixed by the landlord for use in such house or but or part of a house or hut, but does not include a room in a hotel or boarding house;
- (iv) 'Controller' means any person not below the rank of a Tahsildar appointed by the Government to perform the functions of a Controller under this Act;
- (v) 'Government' means the State Government;

- (vi) 'Landlord' means the owner of a building and includes a person who is receiving or is entitled to receive the rent of a building, whether on his own account or on behalf of another person or on behalf of himself and others or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent, if the building were let to a tenant.
- (vii) 'Prescribed' means prescribed by rules made under this Act;
- (viii) 'Telangana area' means the territories specified in sub-section (1) of Section 3 of the States Re-organisation Act, 1956 (Central Act 37 of 1956);
- (ix) 'Tenant' means any person by whom or on whose account rent is payable for a building and includes the surviving spouse, or any son or daughter, of a deceased tenant who had been living with the tenant in the building as a member of tenant's family up to the death of the tenant and a person continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a building, by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter-house or of rents for shops has been framed out or leased by a local authority.

### **3. Notice of vacancy**

- (1) (a) Every landlord shall within ten days after the building becomes vacant by his ceasing to occupy it, or by the termination of a tenancy, or by the eviction of the tenant or by release from requisition or otherwise give notice of the vacancy in writing to the officer authorised in that behalf by the Government.
- (b) Every notice given under clause (a) shall contain such particulars as may be prescribed.
- (2) In any Municipal Corporation or in any Municipality (including the cities of Hyderabad and Secunderabad), Visalchapatnam and Vijayawada to which this sub-section has been applied under clause (b) of sub-section (2) of Section 1, where the tenant of a building puts another person in occupation thereof and does not re-occupy it within a period of three months, then, on the expiry of such period, the tenancy shall be deemed to have terminated and it shall be the duty of the tenant, and also of the landlord if he is aware of such termination, to give notice thereof in writing to the authorised officer within seven days of such termination.

Provided that where the tenant obtains written permission from the authorised officer to re-occupy the building within a period of six months, this sub-section shall have effect as if for the period of three months specified therein a period of six months were substituted.

- (3) If, within fifteen days of the receipt by the authorised officer of a notice under sub-section (1) or sub-section (2), the Government or the authorised officer does not intimate to the landlord in writing that the building is required for the purposes of the State Government or the Central Government or of any local authority or of any public institution under the control of any such Government, or for the occupation of any officer of such Government, the landlord shall be at liberty to let out the building to any tenant or to occupy it himself.
- (4) (a) The authorised officer may, on receipt of an application from the landlord, or on receipt of a direction from the Government in pursuance of an application made to them by the landlord, release a building for the occupation of the landlord.
- (b) A landlord who has obtained possession of a building in pursuance of an order under clause (a) shall occupy it himself and if he does not himself occupy it but proposes either to let out or keep vacant the whole or any part of the building for a period exceeding that permitted by the authorised officer by order in writing, he shall give notice as required under sub-section (1) as if the building has fallen vacant.
- (c) Where a landlord fails to give intimation to the authorised officer as required under clause (b), the Government or the authorised officer shall have power, if the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3), to give intimation to the landlord that the building is so required and thereupon the provisions of sub-sections (6) and (8) shall apply to the building.
- (5) The landlord shall not let the building to a tenant or occupy it himself, before the expiry of the period of fifteen days specified in sub-section (3), unless in the meantime he has received intimation that the building is not required for the purposes, or for occupation by any of the officers, specified in that sub-section.
- (6) If the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3), the landlord shall deliver possession of the building to the authorised officer or to the allottee named by the authorised officer, as the case may be, and the Government shall be deemed to be the tenant of the landlord, with retrospective effect from the date on which the authorised officer received notice under sub-section (1) or sub-section (2), the terms of the tenancy being such as may be agreed upon between the landlord and the tenant and in default of an agreement, as may be determined by the controller:
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**Provided that**

- (i) Where the landlord fails to deliver possession of the building to the authorised officer within forty-eight hours of the receipt of the intimation that the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3) or within such further time as the authorised officer may by order in writing allow, the Government shall be deemed to be the tenant of the landlord only from the date on which he delivers possession;
  - (ii) Where owing to any omission or act or obstructive or preventive tactics on the part of the landlord, there has been delay in coming to a decision whether or not the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3) the Government shall be deemed to be the tenant of the landlord only from such later date as may be fixed by the authorised officer having regard to the circumstances of each case;
  - (iii) The rent payable shall be the fair rent, if any, fixed for the building under the provisions of this Act ; and if no fair rent has been so fixed, such reasonable rent as the authorised officer may determine;\
  - (iv) The reasonable rent fixed by the authorised officer under the foregoing proviso, shall be subject to such fair rent as may be determined by the Controller,
  - (v) If the building is a residential building, it shall not be converted into a non-residential building, unless the permission in writing of the Controller is obtained under Section 18;
  - (vi) No structural alterations shall be made in the building unless the consent of the land lord is also obtained therefor.
- (7) In cases not falling under sub-section (6) where the landlord, without having occupied the building himself, lets it to any tenant after a notice is given to the authorised officer under sub-section (1) or sub-section (2), the tenancy shall be deemed to have been ante-dated by the number of days during which the landlord was prohibited from letting the building to any tenant by virtue of sub-section (5) and the tenant shall be liable to pay rent for those days also.
- (8) (a) Any officer empowered by the Government in this behalf may summarily dispossess:
- (i) Any landlord, tenant or other person occupying any building in contravention of the provisions of this Section or any landlord who fails to deliver to the Government possession of any building in respect of which they are deemed to be the tenant by virtue of this Section; or

- (ii) Any officer, local authority or public institution, continuing to occupy or failing to deliver possession of any building, in respect of which the Government are deemed to be the tenant by virtue of this Section, after the termination of his or its licence to occupy such building, and take possession of the building including any portion thereof which may have been sub-let.
- (b) If free access to the building is not afforded to the officer, empowered under clause (a), he may after giving reasonable warning and facility to withdraw to any woman not appearing in public according to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.
- (c) Any landlord, tenant or other person or any officer, local authority or public institution, liable to be summarily dispossessed under clause (a), shall pay to the Government:
  - (i) The fair rent payable for the building under the provisions of this Act for the period of his or its occupation or possession thereof as described in that clause; and
  - (ii) The expenses, if any, incurred by the Government in effecting such summary dispossession, as determined by them.
- (9) Nothing in this Section shall apply:
  - (a) To a residential building, the monthly rent of which does not exceed twenty-five rupees; or
  - (b) To a non-residential building, the monthly rent of which does not exceed fifty rupees; or
  - (c) To any building or buildings in the same city, town or village, owned by any company, association or firm, whether incorporated or not, and bona fide intended solely for the occupation of its officers, servants or agents.

#### **4. Determination of fair rent**

- (1) The Controller shall, on application by the tenant or landlord of a building, fix the fair rent for such building after holding such enquiry as the Controller thinks fit.
- (2) In fixing the fair rent under this Section, the Controller shall have due regard:
  - (a) to the prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances during the twelve months prior to the 5th April, 1944;
  - (b) to the rental value as entered in the property tax assessment book of the concerned local authority relating to the period mentioned in clause (a);



- (c) to the circumstances of the case, including any amount paid by the tenant by way of premium or any other like sum in addition to rent after the 5th April, 1944.
- (3) In fixing the fair rent of residential buildings, the Controller may allow:
- (i) If the rate of rent or rental value referred to in sub-section (2) does not exceed twenty-five rupees per mensem, an increase not exceeding  $12\frac{1}{2}$  per cent, on such rate or rental value;
  - (ii) If the rate of rent or rental value exceeds twenty-five rupees per mensem, but does not exceed fifty rupees per mensem, an increase not exceeding  $18\frac{3}{4}$  per cent, on such rate or rental value;
  - (iii) If the rate of rent or rental value exceeds fifty rupees per mensem, an increase not exceeding  $37\frac{1}{2}$  per cent, on such rate or rental value: Provided that in the case of a residential building which has been constructed after 5th April, 1944, the percentage of increase shall not exceed  $37\frac{1}{2}$ ,  $56\frac{1}{4}$  and 75 respectively.
- (4) In fixing the fair rent of a non-residential buildings, the Controller may allow:
- (i) If the rate of rent or rental value referred to in sub-section (2) does not exceed fifty rupees per mensem, an increase not exceeding  $56\frac{1}{4}$  per cent, on such rate or rental value;
  - (ii) If the rate of rent or rental value exceeds fifty rupees per mensem, an increase not exceeding 75 percent, on such rate or rental value: Provided that in the case of a non-residential building which has been constructed after 5th April, 1944, the percentage of increase shall not exceed 75 and 150 respectively.
- (5) In the case a building for which the fair rent has been fixed before the commencement of this Act, the Controller shall, on the application of the landlord, allow such increase in the fair rent as in the opinion of the Controller, the landlord is entitled to under this Section.

## **5. Increase in fair rent in what cases admissible**

- (1) When the fair rent of a building has been fixed under this Act, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and if the building is then in the occupation of a tenant, at his request: Provided that the increase shall be calculated at a rate per annum not exceeding six per cent of the cost of such addition, improvement or alteration carried out and the fair rent as increased under this sub-section shall not exceed the fair rent payable under this Act for a similar building in the same locality with such addition, improvement or alteration: Provided further that, any dispute between

landlord and the tenant in regard to any increase claimed under this sub-section, shall be decided by the Controller.

- (2) Where, after the fair rent of a building has been fixed under this Act, there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed: Provided that any dispute between the landlord and the tenant in regard to any reduction so claimed shall be decided by the Controller.

## **6. Increase of rent in certain cases**

- (1) Where the amount of taxes and cesses payable by the landlord in respect of any building to a local authority is enhanced after the fixation of the fair rent under Section 4, the landlord shall be entitled to claim half of such excess from the tenant in addition to the rent payable for the building under this Act: Provided that, such excess shall not be recoverable in so far as it has resulted from an increase of rent in respect of the building.
- (2) Any dispute between the landlord and the tenant in regard to any increase claimed under sub-section (1) shall be decided by the Controller.

## **7. Landlord not to claim or receive anything in excess of fair rent or agreed rent**

- (1) Where the Controller has fixed the fair rent of a building
- (a) The landlord shall not claim, receive or stipulate for the payment of
- (i) Any premium or other like sum in addition to such fair rent, or
- (ii) Save as provided in Section 5 or Section 6, anything in excess of such fair rent: Provided that the landlord may receive, or stipulate for the payment of an amount not exceeding one month's rent by way of advance;
- (b) save as provided in clause (a), any premium or other like sum or any rent paid in addition to, or in excess of such fair rent, whether before or after the commencement of this Act, in consideration of the grant, continuance or renewal of tenancy of the building after such commencement, shall be refunded by the landlord to the person by whom it was paid or at the option of such person, shall be otherwise adjusted by the landlord: Provided that, where before the determination of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for a period of six months prior to the date of application by the tenant or the landlord under sub-section (1) of Section 4 for fixing the fair rent.

- (2) Where the fair rent of a building has not been so fixed
- (a) The landlord shall not, after the commencement of this Act, claim, receive or stipulate for the payment of any premium or other like sum in addition to the agreed rent: Provided that the landlord may receive, or stipulate for the payment of an amount not exceeding one month's rent by way of advance;
  - (b) save as provided in clause (a), any sum paid in excess of the agreed rent whether before or after the commencement of this Act, in consideration of the grant, continuance or renewal of the tenancy of the building after such commencement, shall be refunded by the landlord to the person by whom it was paid or, at the option of such person, shall be otherwise adjusted by the landlord.
- (3) Any stipulation in contravention of sub-section (1) or sub-section (2), shall be null and void.

### **8. Right of tenant paying rent or advance to receipts**

- (1) Every tenant who makes a payment on account of rent or advance shall be entitled to obtain a receipt for the amount paid duly signed by the landlord or his authorised agent.
  - (2) Where a landlord refuses to accept or evades the receipt of, any rent lawfully payable to him by a tenant in respect of any building, the tenant may, by notice in writing, require the landlord to specify within ten days from the date of receipt of the notice by him, a bank into which the rent may be deposited by the tenant to the credit of the landlord: Provided that such bank shall be one situated in the city, town or village in which the building is situated or if there is no such bank in such city, town or village within three miles of the limits thereof.
  - (3) If the landlord specifies a bank aforesaid, the tenant shall deposit the rent in the bank and shall continue to deposit in at any rent which may subsequently become due in respect of the building.
  - (4) If the landlord does not specify a bank as aforesaid, the tenant shall remit the rent to the landlord by money order, after deducting the money order commission and continue to remit any rent which may subsequently become due in respect of the building in the same manner until the landlord signifies by a written notice to the tenant his willingness to accept the rent or specifies a bank in which the rent shall be deposited in accordance with the provisions of sub-section (2).
  - (5) If the landlord refuses to receive the rent remitted by money order under sub-section (4), the tenant may deposit the rent before such authority and in such manner as may be prescribed, and continue to deposit any rent which may
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subsequently become due in respect of the building, before the same authority and in the same manner, and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the person held by the Controller, to be entitled to the amount on application made by such person to the Controller in that behalf.

## **9. Right of tenant to deposit rent in certain cases**

- (1) Where the address of the landlord or his authorised agent is not known to the tenant, he may deposit the rent lawfully payable to the landlord in respect of the building, before such authority and in such manner as may be prescribed, and continue to deposit any rent which may subsequently become due in respect of the building before the same authority and in the same manner until the address of the landlord or his authorised agent becomes known to the tenant.
- (2) The amount deposited under sub-section (1) may subject to such conditions as may be prescribed, be withdrawn by the person held by the Controller to be entitled to the amount on application made by such person to the Controller in that behalf.
- (3) Where any bona fide doubt or dispute arises as to the person who is entitled to receive the rent for any building, the tenant may deposit such rent before such authority and in such manner as may be prescribed and shall report to the Controller the circumstances under which such deposit was made by him and may continue to deposit any rent which may subsequently become due in respect of the building before the same authority and in the same manner until the doubt is removed or the dispute is settled by the decision of a competent Court or by as settlement between the parties or until the Controller makes an order under clause (b) of sub-section (4) as the case may be.
- (4) (a) The Controller to whom a report is made under sub-section (3) shall, if satisfied that a bona fide doubt or dispute exists in the matter, direct that, pending removal of the doubt or settlement of the dispute as aforesaid, the deposit be held by the authority concerned.  
(b) If the Controller is not so satisfied, he shall forthwith order payment of the amount deposited to the landlord.
- (5) Where the Controller passes an order under clause (a) of sub-section (4) any amount or amounts deposited under sub-section (3) may be withdrawn only by the person who is declared by a competent Court to be entitled thereto, or in case the doubt or dispute is removed by a settlement between the parties, only by the person who is held by the Controller to be entitled to the amount or amounts in accordance with such settlement.

## 10. Eviction of tenants

- (1) A tenant shall not be evicted whether in execution of a decree or otherwise except in accordance with the provisions of this Section or Sections 12 and 13: Provided that where the tenant, denies the title of the landlord or claims right of permanent tenancy, the Controller shall decide whether the denial or claim is bona fide and if he records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a Civil Court and the Court may pass a decree for eviction on any of the grounds mentioned in the said sections, notwithstanding that the Court finds that such denial does not involve forfeiture of the lease or that the claim is unfounded.
- (2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied:
  - (i) That the tenant has not paid or tendered the rent due by him in respect of the building within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord or in the absence of any such agreement, by the last day of the month next following that for which the rent is payable; or
  - (ii) That the tenant has, in the Andhra area, after the 23rd October, 1945, and in the Telangana area after the commencement of the Hyderabad House Rent Control Order of 1353 Fasli, without the written consent of the landlord:
    - (a) Transferred his right under the lease or sub-let, the entire building or any portion thereof if the lease does not confer on him any right to do so; or
    - (b) Used the building for a purpose other than that for which it was leased; or
  - (iii) That the tenant has committed such acts of waste as are likely to impair materially the value or utility of the building; or
  - (iv) That the tenant has been guilty of such acts and conduct which are a nuisance to the occupiers of other portions in the same building or buildings in the neighbourhood; or
  - (v) That the tenant has secured alternative building or ceased to occupy the building for a continuous period of four months without reasonable cause; or
  - (vi) That the tenant has denied the title of the landlord or claimed a right of permanent tenancy and that such denial or claim was not bona fide, the Controller shall make an order directing the tenant to put the landlord in possession of the building and if the Controller is not so satisfied, he shall

make an order rejecting the application: Provided that in any case falling under clause (i), if the Controller is satisfied that the tenant's default to pay or tender the rent was not wilful, he may, notwithstanding anything in Section 11, give the tenant a reasonable time, not exceeding fifteen days, to pay or tender the rent due by him to the landlord up to the date of such payment or tender and on such payment or tender, the application shall be rejected.

- (3) (a) A landlord may subject to the provisions of clause (d), apply to the Controller for an order directing the tenant to put the landlord in possession of the building:
- (i) In case it is a residential building
    - (a) If the landlord is not occupying a residential building of his own in the city, town or village concerned and he requires it for his own occupation;
    - (b) If the landlord who has more buildings than one in the city, town or village concerned is in occupation of one such building and he bona fide requires another building instead, for his own occupation;
  - (ii) In case it is a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, if the landlord requires it for his own use and if he is not occupying any such building in the city, town or village concerned which is his own or to the possession of which he is entitled whether under this Act or otherwise;
  - (iii) In case it is any other non-residential building, if the landlord is not occupying a non-residential building in the city, town or village concerned which is his own or to the possession of which he is entitled whether under this Act or otherwise:
    - (a) For the purpose of a business which he is carrying on, on the date of the application; or
    - (b) For the purpose of a business which in the opinion of the Controller, the landlord bona fide proposes to commence: Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument inter vivos shall not be entitled to apply under this clause before the expiry of three months from the date on which the instrument was registered: Provided further that, where a landlord has obtained possession of a building under this clause he shall not be entitled to apply again under this Clause:

- (i) In case he has obtained possession of a residential building, for possession of another residential building of his own;
  - (ii) In case he has obtained possession of a non-residential building, for possession of another non-residential building of his own.
    - (b) Where the landlord of a building, whether residential or non-residential, is a religious, charitable, educational or other public institution, it may, if the building is required for the purposes of the institution, apply to the Controller, subject to the provisions of clause (a) for an order directing the tenant to put the institution in possession of the building.
    - (c) A landlord who is occupying only a part of a building, whether residential or non-residential may, notwithstanding anything in clause (a), apply to the Controller for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the landlord in possession thereof, if he requires additional accommodation for residential purposes or for the purpose of a business which he is carrying on, as the case may be.
    - (d) Where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before the expiry of such period.
    - (e) The Controller shall, if he is satisfied that the claim of the landlord is bona fide, makes an order directing the tenant to put the landlord in possession of the building on such date as may be specified by the Controller and if the Controller is not so satisfied, he shall make an order rejecting the application: Provided that, in the case of an application under clause (c), the Controller shall reject the application if he is satisfied that the hardship which may be caused to the tenant by granting it will outweigh the advantage to landlord: Provided further that, the Controller may give the tenant a reasonable time for putting the landlord in possession of the building and may extend such time so as not to exceed three months in the aggregate.
- (4) No order for eviction shall be passed under sub-section (3)
- (i) Against any tenant who is engaged in any employment or class of employment notified by the Government as an essential service for the purposes of this sub-section unless the landlord is himself engaged in any employment or class of employment which has been so notified; or
  - (ii) In respect of any building which has been left for use as an educational institution and is actually being used as such, provided that the institution has been recognised by the Government or any authority empowered by them in this behalf, so long as such recognition continues.
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- (5) (a) Where a landlord who has obtained possession of a building in pursuance of an order under sub-section (3) does not himself occupy it and for the purpose specified in the order within one month of the date of obtaining possession, or having so occupied it, vacates it without reasonable cause within six months of such date, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of the building and the Controller shall make an order accordingly notwithstanding anything in Section 3.
- (b) Where a tenant who is entitled to apply for possession under clause (a) fails to do so within one month from the date on which the right to make the application accrued to him, the Government or the authorised officer shall have power, if the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3) of that section, to give intimation to the landlord that the building is so required, and thereupon the provisions of sub-sections (6) and (8) of Section 3 shall apply to the building: Provided that this clause shall not apply to a residential building the monthly rent of which does not exceed twenty five rupees or to a non-residential building the monthly rent of which does not exceed fifty rupees.
- (6) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation, not exceeding fifty rupees be paid by such landlord or the tenant.
- (7) When an application under sub-section (2) or sub-section (3) for evicting a tenant has been rejected by the Controller, the tenancy shall, subject to the provisions of this Act be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds mentioned in sub-section (2) or sub-section (3).
- (8) Notwithstanding anything in this Section, no person who is receiving or is entitled to receive the rent of a building merely as an agent of the landlord shall, except with the previous written consent of the landlord, be entitled to apply for the eviction of a tenant.

#### **10A. Right to recover immediate possession of premises to accrue to members of the armed forces etc.**

- (1) Where the landlord
- (a) Is a released or retired person from any armed forces and the premises let out by him, spouse or his dependent son or daughter are required for his own use; or
- (b) Is a dependent of a member of any armed forces who had been killed in action and the premises let out by such member are required for the use
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of the family of such member, such person, his spouse or his dependent son or daughter, as the case may be, may within one year from the date of his release or retirement from such armed forces or, as the case may be the date of death of such member, or within a period of one year from the date of commencement of this Act, whichever is later, apply to the Court for recovering the immediate possession of such premises.

- (2) Where the landlord is a member of any of the armed forces and has a period of less than one year preceding the date of his retirement and the premises let out by him, his spouse or his dependent son or daughter are required for his own use after his retirement, he may, at any time, within a period of one year before the date of his retirement, apply to the Court for recovering immediate possession of such premises.
- (3) Where the landlord referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him, his spouse or his dependent son or daughter to make an application under that sub-section in respect of only one of the premises chosen by him.

**10B. Right to recover immediate possession to accrue to employee of State or Central Government:**

- (1) Where the landlord is a retired employee of the State or Central Government, and the premises let out by him, his spouse or his dependent son or daughter are required for his own use, such employee may, within one year from the date of his retirement or within a period of one year from the date of commencement of this Act, whichever is later, apply to the Court for recovering immediate possession of such premises.
- (2) Where the landlord is an employee of the State or Central Government and has a period of less than one year preceding the date of his retirement and the premises let out by him, his spouse or his dependent son or daughter are required by him for his own use after his retirement, he may, at any time within a period of one year before the date of his retirement, apply to the Court for recovering immediate possession of such premises.
- (3) Where the landlord, his spouse or his dependent son or daughter referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him, his spouse or his dependent son or daughter, as the case may be, to make an application under that sub-section in respect of only one of the premises chosen by him.

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## **10C. Right to recover immediate possession of premises to accrue to a widow**

- (1) Where the landlord is
  - (a) A widow and the premises let out by her, or by her husband;
  - (b) A handicapped person and the premises let out by him;
  - (c) A person who is of the age of sixty-five years or more and the premises let out by him; or her; is required for use by him or her or for his or her family or for any one ordinarily living with him or her as the case may be for use he or she may apply to the Court for recovery of immediate possession of such premises.
- (2) Where the landlord referred to in sub-section (1) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of any one residential and one non-residential premises each chosen by him.

## **11. Payment or deposit of rent during the pendency of proceedings for eviction**

- (1) No tenant against whom an application for eviction has been made by a landlord under Section 10, shall be entitled to contest the application before the Controller under that Section or to prefer any appeal under Section 20 against any order made by the Controller on the application, unless he has paid to the landlord or deposits with the Controller or the appellate authority, as the case may be, all arrears of rent due in respect of the building up to the date of payment or deposit and continues to pay or deposit any rent which may subsequently become due in respect of the building, until the termination of the proceedings before the Controller or the appellate authority, as the case may be.
- (2) The deposit of rent under sub-section (1) shall be made within the time and in the manner prescribed.
- (3) Where there is any dispute as to the amount of rent to be paid or deposited under sub-section (1) the Controller or the appellate authority, as the case may be, shall on application made to him either by the tenant or by the landlord, and after making such inquiry as he deems necessary, determine summarily the rent to be so paid or deposited.
- (4) If any tenant fails to pay or to deposit the rent as aforesaid, the Controller or the appellate authority, as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and make an order directing the tenant to put the landlord in possession of the building.