



Transfer of Property Act S.106 – Rent Act – Filing of an eviction suit under general law serves as a notice to quit to the tenant without the requirement of a separate notice under Section 106. 2007 PLRonline 0105 (SC)

[PRINT / DOWNLOAD PDF](#)

Transfer of Property Act, Section 106 and Delhi Rent Control Act, 1958 – Filing of an eviction suit under general law serves as a notice to quit to the tenant without the requirement of a separate notice under Section 106 of the Transfer of Property Act if the Rent Act is not applicable to the premises. AIR 1979 SC 1745 . [Para 12]

Hindu undivided family (HUF) – Role of Karta in HUF under Eviction Suit – A junior member of a Hindu undivided family (HUF) can file an eviction suit if the Karta is unable to perform his duties due to prolonged absence abroad, with no objections from other family members, establishing that a junior member can act as Karta in such circumstances – – Delhi Rent Control Act, 1958, Section 14(1)(e) . (1991)3 SCC 442). [Para 7]

Delhi Rent Control Act, 1958, Section 6A, 8 and 14(1)(e) – Delhi Rent Control Act, 1958, Sections 6A and 8 – Rent Adjustment – Under Section 6A of the Delhi Rent Control Act, 1958, a landlord can increase rent by 10% every three years, despite ongoing eviction proceedings, provided that notice of the increase is given as required by Section 8 of the Act. [Para 10]

Hindu undivided family (HUF) – Management of Joint Hindu Family Property – A younger member of a Joint Hindu Family can manage the property in absence of the senior member or Karta under specific conditions such as the Karta’s unavailability, express relinquishment of management rights by the Karta, or extraordinary circumstances affecting the family, (1991)3 SCC 442). [Paras 6 and 7]

Rent Act – General Law vs. Rent Control Legislation – The landlord’s right to evict under general law persists unless specifically limited by Rent Control legislation. Once such legislative protection is withdrawn, the landlord’s original rights under general law revive and can be enforced (2001(2) RCR (Rent) 328 (SC)). [Paras 12 and 13]

Civil Procedure Code, Order 23 Rule 1 – Delhi Rent Control Act, 1958, Section 14(1)(e) – Delhi Rent Control Act, 1958, Sections 6A and 8 – Civil Procedure in Rent Cases – If the Rent Act ceases to apply (e.g., due to a rent increase above the statutory threshold during the pendency of a suit), the landlord can withdraw the petition from the Rent Controller and file a fresh eviction suit under general law without needing permission from the Rent Controller. [Para 10]

Civil Procedure Code, Order 41 Rule 31 – Appellate Procedure in Civil Cases – When an appellate court reverses a trial court’s decision, it must provide reasons for the reversal – However, if the appellate court affirms the trial court’s decision, it need not restate the evidence or reasons provided by the trial court, as the acceptance of the trial court’s findings is implied . [Paras 8 and 9]

... SUBSCRIBE TO CONTINUE READING !!!! SPECIAL LIMITED TIME OFFER !!!!

Subscribe Punjab Law Reporter @ Rs 2800/- and get PLRonline.IN (including Supreme Court) FREE for 1 year (save Rs 600/-)

[Login](#) or [Join Now](#)

Full Text of Judgments / Headnotes / PDF is available in Premium Membership | Email punjablawreporter@gmail.com | 9463598502 | Trial membership for 7 days |

[SUBSCRIBE](#)

Tags: [Agreement](#), [Civil Procedure Code](#), [CPC](#), [CPC O. 23 R. 1](#), [CPC O. 41 R. 31](#), [Cryptic](#), [Delhi Rent Control Act](#), [Evidence](#), [FIR](#), [Hindu law](#), [HUF](#), [HUF - Karta - Powers of](#), [Injunction](#), [Interest](#), [P. Sathasivam](#), [Revision](#), [Seniority](#), [TPA S. 106](#), [Writ](#)



Transfer of Property Act S.106 - Rent Act - Filing of an eviction suit under general law serves as a notice to quit to the tenant without the requirement of a separate notice under Section 106. 2007 PLRonline 0105 (SC)