

NATHI DEVI
v.
RADHA DEVI GUPTA

DECEMBER 17, 2004

[N. SANTOSH HEGDE, S.N. VARIAVA, B.P. SINGH,
H.K. SEMA AND S.B. SINHA, JJ.]

Delhi Rent Control Act, 1958 :

*Section 14D—Eviction—Right to immediate possession by a Widow—
Pre existent tenant—Held, not available to transferee widow landlady.*

Interpretation of Statutes :

*Court—Interpretative function—To find out the true legislative intent—
Every word used by the legislature be given effect to—Object and purport
of the Act must be given effect to.*

Respondent after acquiring the tenanted premises filed eviction petition under Section 14D of the Act claiming herself to be widow and as such entitled to immediate possession. Appellant being the pre existing tenant sought leave to defend which was refused. Noticing the conflict in the views taken by the two benches of three learned judges on reference of the word 'let out' whether to refer only to creation of tenancy or it refers to mean, in the context of Section 14A, that even a transferee landlord can invoke the said provision.

Appellant contended that the premises in question had not been let out either by the respondent or her late husband, the petition under Section 14D, therefore, was not maintainable. The widow who applies for eviction of the tenant in occupation of the premises must establish that the premises were let out by her late husband or that the premises were let out by her and that she requires the same for her own residence. The language employed leaves no room for doubt that the widow open whom a special right has been conferred to claim immediate possession of premises after evicting the tenant must satisfy the condition that the premises were let out by her or by her husband. Clearly, therefore, if

A this condition is not fulfilled Section 14D will not apply. It was also contended that she never attorned nor paid rent to the respondent and, therefore, there did not exist landlord-tenant relationship between them.

B The Respondent contended that for the application of Section 14D it is not necessary that the premises must have been let out either by the petitioning widow or by her husband. For the application of this Section it is enough to prove that she was the landlord of the premises and entitled to institute proceedings qua landlord. The use of the words "let out by him" only convey the idea that the premises must be owned by her directly and the lease must be under her directly.

C Allowing the appeal, the Court

D HELD : 1.1. The provisions contained in Section 14A to 14D being in the nature of exception to the main provision, they must be construed strictly. Where the statute provides for an exemption from the rigours of a beneficial statute for tenants, the landlord with a view to obtain immediate possession thereof must plead and prove the requirements envisaged therein. In other words the conditions precedent contained therein must be complied with. [1154-A-B]

E 1.2. Section 14D confers a right on a widow of the landlord to seek immediate possession of the premises let out "by her, or by her husband". The scheme of this Section appears to be that where the landlord is alive and the premises have been let out by him, he only can make an application for immediate possession of the premises for his own use.

F Only in the case of his death his dependant under Section 14-A, and his widow under Section 14D can seek immediate possession of the premises. The use of the expression, "let out by him" in Section 14B and 14C and the expression, "let out by her, or by her husband" in Section 14D have significance. [1158-E-F]

G 1.3. Section 14D gives a right to file an application under that provision only to a widow who had let out the premises or whose husband had let out the premises. Consequently, if the premises had been let out by someone else, Section 14D will not apply. By expressly providing that the premises must be one let out by her or by her husband, the legislature has clearly excluded from the purview of the said provision "premises

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let out by any other person” even if in course of time the widow may have become its landlord. The expression. “let out by her, or by her husband” is not an expression which permits of any ambiguity. We must, therefore, give it its normal meaning. So understood the conclusion is inescapable that the legislative intent was only to confer a special right on a limited class of widows viz. the widow who let the premises or whose husband had let the premises before his death, and which premises the widow requires for her own use. [1158-G-H]

1.4. If a widow becomes a landlord in relation to the tenanted premises, she in terms of section 14(6) of the Act, she cannot evict the tenant before expiry of 5 years from the date of purchase Sections 14(6) and 14D of the Act, if the rule of harmonious construction is not applied, would lead to an anomaly. Such an anomaly can be removed if the negative test contained in Section 14(6) of the Act is applied in the construction of Section 14D thereof, that is to say, as in terms of the earlier provision a transferee landlord cannot evict a tenant before expiry of five years from the date of Purchase, Section 14D which provides for immediate recovery of the tenanted premises would not be applicable. [1160-B-C-D]

1.5. Section 14D uses the expression, “premises let out by her, or by her husband” which are required by the widow for her own residence. She may apply to the Rent Controller for recovering the immediate possession of “such premises”. Such premises” obviously is related to the premises let out her or by her husband. It cannot take within its ambit any other premises which may have been let out by any other person. Section 14D benefits only a class of widows viz. a widow who or whose husband had let out the premises. [1160-G-H]

1.6. Section 14D insists that the premises must be one let out by her or by her husband. A widow or her late husband who acquired a tenanted premises by sale or transfer cannot invoke the provisions of Section 14D to evict a pre existing tenant. Therefore the reasoning in Surjit Singh Kalra is preferable. [1161-A-B]

1.7. Respondent was not entitled to invoke the provisions of Section 14D of the Act, and remitting the matter to the Court to Additional Rent Controller for granting leave to defend would be futile. [1161-E]

A *Surjit Singh Kalra v. Union of India*, [1991] 2 SCC 87, approved.

Kanta Goyal v. B.P. Pathak and Ors., [1977] 2 SCC 814, distinguished.

B 2.1. The interpretative function of the Court is to discover the true legislative intent. It is trite that in interpreting a statute the Court must, if the words are clear, plain, unambiguous and reasonably susceptible to only one meaning, give to the words that meaning, irrespective of the consequences. Those words must be expounded in their natural and ordinary sense. When a language is plain and unambiguous and admits of only one meaning no question of construction of statute arises, for the Act speaks for itself. Courts are not concerned with the policy involved or that the results are injurious or otherwise, which may follow from giving effect to the language used. If the words used are capable of one construction only then it would not be open to the Courts to adopt any other hypothetical construction on the ground that such construction is more consistent with the alleged object and policy of the Act. In considering whether there is ambiguity, the Court must look at the statute as a whole and consider the appropriateness of the meaning in a particular context avoiding absurdity and inconsistencies or unreasonableness which may render the statute unconstitutional. [1149-E-F-G]

E 2.2. It is equally well settled that in interpreting a statute, effort should be made to give effect to each and every word used by the Legislature. The Courts always presume that the Legislature inserted every part thereof for a purpose and the legislative intent is that every part of the statute should have effect. A construction which attributes redundancy to the legislature will not be accepted except for compelling reasons such as obvious drafting errors. It is well settled that literal interpretation should be given to a statute if the same does not lead to an absurdity. It is now well-settled that a statute should be read in a manner which would give effect to all the words used in the Act and the provision is not rendered otiose. Such a construction is contemplated in law in view of the well settled principle that endeavour should be made to give effect to all the expressions used in statute. [1149-H; 1150-A-C; 1160-E-F]

H *State of U.P. and Others v. Vijay Anand Maharaj*, AIR (1963) SC 946; *Rananjaya Singh v. Baijnath Singh and Others*, AIR (1954) SC 749; *Kanai*

Lal Sur v. Paramnidhi Sadhukhan, AIR (1957) SC 907; *Nyadar Singh v. Union of India and Others*, AIR (1988) SC 1979; *J.K. Cotton Spinning and Weaving Mills Co. Ltd. v. State of U.P.*, AIR (1961) SC 1170, *Ghanshyam Das v. Regional Assistant Commissioner, Sales Tax*, AIR (1964) SC 766 and *Nasiruddin and Others v. Sita Ram Agarwal*, [2003] 2 SCC 577, referred to.

2.3. Even if there exists some ambiguity in the language or the same is capable of two interpretations, it is trite the interpretation which serves the object and purport of the Act must be given effect to. In such a case the doctrine of purposive construction should be adopted. [1150-H]

Swedish Match AB and Another v. Securities & Exchange Board, India and Another, (2004) 7 Scale 158 and *High Court of Gujarat and Another v. Gujarat Kishan Mazdoor Panchayat and Others*, [2003] 4 SCC 712, relied upon.

2.4. When two provisions of the same statute become applicable in a given case a harmonious construction should be taken recourse to. [1160-B]

Imdad Ali v. Keshav Chand and Others, [2003] 4 SCC 635 and *Balwant Singh and Others v. Anand Kumar Sharma and Others*, [2003] 3 SCC 433, referred to.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 5027 of 1999.

From the Judgment and Order dated 15.9.98 of the Delhi High Court in C.R No. 70 of 1998.

Vinod Bhagat for the Appellant.

Sanjeev Sachdeva and Ms. Priya Puri for the Respondent.

The Judgment of the Court was delivered by

B.P. SINGH, J. : In this appeal by special leave appellant Nathi Devi is the tenant while respondent Radha Devi Gupta is the landlord who filed an application for the eviction of the appellant on the ground that she

A required the premises for her *bona fide* personal need invoking the provisions of Section 14D of the Delhi Rent Control Act, 1958 (hereinafter referred to as the 'Act') which, according to her, entitled her to immediate possession of the premises in question being a widow landlady. The appellant filed an affidavit and prayed for leave to defend on the ground that the
B petition raised many triable issues. The Additional Rent Controller, Delhi by his judgment and order dated 12th November, 1997 after considering the submissions urged before him came to the conclusion that the tenant had failed to make out a case for grant of leave to defend as she had failed to raise any triable issue. He, therefore, allowed the petition under Section 14D
C of the Act and passed an order of eviction.

The appellant then moved the High Court in C.R.No. 70/98 and C.M.No. 298/98 impugning the order of eviction passed by the Additional Rent Controller, Delhi. The High Court concurred with the view of the Additional
D Rent Controller and held that since the landlady was a widow, and the premises were required by her for her own residence, the conditions for the applicability of Section 14D of the Act were fulfilled and hence the learned Additional Rent Controller committed no mistake in refusing leave to defend to the appellant.

E When this special leave petition came up for admission before a bench consisting of two learned judges of this Court, counsel for the appellant relied upon a decision of this Court in the case of *Surjit Singh Kalra v. Union of India*, [1991] 2 SCC 87 which supported the contention of the appellant that the landlady who acquired the tenanted premises in question by transfer, could not avail of the remedy of eviction of a pre-existing tenant resorting
F to Section 14D of the Delhi Rent Control Act. The learned judges doubted the correctness of the decision, and since the decision in *Surjit Singh Kalra* was by a bench consisting of three judges, the special leave petition was directed to be placed before a three judge bench by order dated 26th April, 1999. Thereafter this Court granted special leave to appeal by order dated
G 10th September, 1999.

The appeal came up for hearing before a three judge bench of this Court. The learned judges found that there was some conflict in the views taken by two benches of three learned judges each. An observation in the judgment in *Surjit Singh Kalra* (supra) suggested that the words "let out" refer only to the creation of a tenancy. On the other hand, the judgment in

Kanta Goyal v. B.P. Pathak and Ors., [1977] 2 SCC 814 interpreted the words "let out" in the context of Section 14A of the Act to mean that even a transferee landlord could invoke the said provision. Noticing the conflict in the views taken by two benches of three judges each, it was observed that the appeal ought to be heard by a bench of five judges. The matter was placed before the Hon'ble Chief Justice who has placed this appeal for hearing before this bench.

Before advertng to the submissions urged at the bar we may notice the relevant facts of the case shorn of unnecessary details.

According to the appellant her predecessor-in-interest was a monthly tenant of the suit premises since 1959-60 owned by one Parmanand Khemka, the landlord. Upon the death of the predecessor-in-interest of the appellant, the appellant became the tenant and regularly paid rent to the aforesaid landlord Parmanand Khemka till April, 1982. Thereafter the landlord vanished from the scene and there was no one available to accept the rent on behalf of the landlord. More than 12 years later in the year 1994, the appellant received a lawyer's notice from which it appeared that the respondent claimed to be the owner of the suit premises, and that she required the premises for her own use. The appellant replied to the said notice denying that the respondent was the owner or landlord of the suit premises and asserting that the appellant was residing in the premises for over 35 years paying a rent of Rs. 7 per month to the owner, Parmanand Khemka.

In September, 1994 respondent filed an Eviction Petition No. S-233/1994 under Section 14D of the Delhi Rent Control Act, 1958 claiming that she was a widow and *bona fide* needed the premises for her own use. It was claimed that she had purchased the suit premises in the year 1982, and since the accommodation available to the appellant was insufficient and unsuitable, she required the suit premises for her own use and occupation. She narrated the inconveniences caused to her, including family differences, while residing in the house left behind by her husband. In the circumstances she was compelled to shift to her own house, namely the suit premises, which she had purchased from the erstwhile owner in the year 1982.

The appellant applied under Section 25B(4) of the Act for leave to defend. It was contended on her behalf that the eviction petition was not maintainable under Section 14D of the Act since the premises in question

A had not been let out either by the respondent or her late husband. It was further asserted that the appellant had never attorned, nor paid rent to the respondent and therefore, there did not exist landlord-tenant relationship. The leave was also sought on other grounds which, it is not necessary to notice, as they are not relevant for the disposal of this appeal.

B The Additional Rent Controller by his order dated 12th November, 1997 refused leave to defend holding that Section 14D of the Act applied since the appellant was a widow and was in need of the premises for her own use and occupation. It was not necessary for the application of Section 14D of the Act that the premises should be let out by her or by her late husband. She acquired the right of the landlord to evict by reason of purchasing the premises in question. It negated the contention of the appellant that there did not exist landlord-tenant relationship. It was held that the pleas raised by the appellant did not give rise to any triable issue necessitating grant of leave to defend. The petition for eviction was accordingly allowed under Section 14D of the Act.

C D The High Court in revision has affirmed the findings of the Additional Rent Controller. We find from the judgment of the High Court that it noticed the judgment of this Court in *Surjit Singh Kalra* (supra) and ultimately concluded that the law is well settled that the only conditions which are required to be proved are — (a) that the landlady is a widow and (b) the premises are required by her for her own residence. In the instant case both the conditions were fulfilled and, therefore, leave to defend was rightly refused.

E F G Counsel for the appellant has impugned the judgment and order of the High Court contending that the decision of this Court in *Surjit Singh Kalra* (supra) fully covers the case of the appellant inasmuch as it holds that the words “premises let out by him” in Section 14D clearly bring out the legislative intent to confer a special right on a limited class of widows, namely, the widows who themselves let out the premises, or the widows whose husbands let out the premises which are now required by her for her own use. Counsel contended that Sections 14B to 14D deal with different categories of classified landlords who have been conferred a right to recover immediate possession of premises in certain circumstances. The language of Sections 14B to 14D is unambiguous and the right to recover immediate possession has been ensured by applying the summary procedure under

Section 25B of the Act. For the application of Section 14D, counsel contended, the widow who applies for eviction of the tenant in occupation of the premises must establish that the premises were let out by her late husband or that the premises were let out by her and that she requires the same for her own residence. The language employed leaves no room for doubt that the widow upon whom a special right has been conferred to claim immediate possession of premises after evicting the tenant must satisfy the condition that the premises were let out by her or by her husband. Clearly, therefore, if this condition is not fulfilled Section 14D will not apply.

On the other hand counsel for the respondent heavily relied on the decision of this Court in *Kanta Goel* (supra) and submitted that for the application of Section 14D it is not necessary that the premises must have been let out either by the petitioning widow or by her husband. For the application of this Section it is enough to prove that she was the landlord of the premises and entitled to institute proceedings qua landlord. The use of the words "let out by him" only convey the idea that the premises must be owned by him directly and the lease must be under him directly.

The interpretative function of the Court is to discover the true legislative intent. It is trite that in interpreting a statute the Court must, if the words are clear, plain, unambiguous and reasonably susceptible to only one meaning, give to the words that meaning, irrespective of the consequences. Those words must be expounded in their natural and ordinary sense. When a language is plain and unambiguous and admits of only one meaning no question of construction of statute arises, for the Act speaks for itself. Courts are not concerned with the policy involved or that the results are injurious or otherwise, which may follow from giving effect to the language used. If the words used are capable of one construction only then it would not be open to the Courts to adopt any other hypothetical construction on the ground that such construction is more consistent with the alleged object and policy of the Act. In considering whether there is ambiguity, the Court must look at the statute as a whole and consider the appropriateness of the meaning in a particular context avoiding absurdity and inconsistencies or unreasonableness which may render the statute unconstitutional.

It is equally well settled that in interpreting a statute, effort should be made to give effect to each and every word used by the Legislature. The Courts always presume that the Legislature inserted every part thereof for

A a purpose and the legislative intention is that every part of the statute should have effect. A construction which attributes redundancy to the legislature will not be accepted except for compelling reasons such as obvious drafting errors. [See : *State of U.P. and Others v. Vijay Anand Maharaj*, AIR (1963) SC 946; *Rananjaya Singh v. Baijnath Singh and Others*, AIR (1954) SC 749; *Kanai Lal Sur v. Paramnidhi Sadhukhan*, AIR (1957) SC 907; *Nyadar Singh v. Union of India and Others*, AIR (1988) SC 1979; *J.K. Cotton Spinning and Weaving Mills Co. Ltd. v. State of U.P.*, AIR (1961) S.C. 1170 and *Ghanshyam Das v. Regional Assistant Commissioner, Sales Tax*, AIR (1964) S.C. 766].

C It is well settled that literal interpretation should be given to a statute if the same does not lead to an absurdity.

In *Nasiruddin and Others v. Sita Ram Agarwal*, [2003] 2 SCC 577 this Court stated the law in the following terms :-

D “37. The court’s jurisdiction to interpret a statute can be invoked when the same is ambiguous. It is well known that in a given case the court can iron out the fabric but it cannot change the texture of the fabric. It cannot enlarge the scope of legislation or intention when the language of provision is plain and unambiguous. It cannot add or subtract words to a statute or read something into it which is not there. It cannot re-write or recast legislation. It is also necessary to determine that there exists a presumption that the legislature has not used any superfluous words. It is well settled that the real intention of the legislation must be gathered from the language used. It may be true that use of the expression “shall or may” is not decisive for arriving at a finding as to whether statute is directory or mandatory. But the intention of the legislature must be found out from the scheme of the Act. It is also equally well settled that when negative words are used the courts will presume that the intention of the legislature was that the provisions should be mandatory in character.”

H Even if there exists some ambiguity in the language or the same is capable of two interpretations, it is trite the interpretation which serves the object and purport of the Act must be given effect to. In such a case the doctrine of purposive construction should be adopted. (See : *Swedish Match*

AB and Another v. Securities & Exchange Board, India and Another, (2004) 7 Scale 158). A

In *High Court of Gujarat and Another v. Gujarat Kishan Mazdoor Panchayat and Others*, [2003] 4 SCC 712 this Court held :-

“35. The Court while interpreting the provision of a statute, although, is not entitled to rewrite the statute itself, is not debarred from “ironing out the creases”. The court should always make an attempt to uphold the rules and interpret the same in such a manner which would make it workable. B

36. It is also a well-settled principle of law that an attempt should be made to give effect to each and every word employed in a statute and such interpretation which would render a particular provision redundant or otiose should be avoided.” C

Delhi Rent Control Act primarily is a legislation meant for protection of the tenants from their eviction from the tenanted premise. Section 14 occurring in Chapter III of the Act provides for control of eviction of tenants. It puts an embargo as regard recovery of possession of any premises at the instance of the landlord unless the Controller satisfies himself as regards existence of any of the grounds specifically referred to in the proviso appended thereto. Clause (e) appended to the proviso enables a landlord to file a suit for eviction on the ground that the premises let out for residential purposes are required *bona fide* by him for occupation as a residence for himself or for any member of his family dependent on him, if he is the owner thereof or for any person for whose benefit the premises are held and that the landlord or such person has no other reasonably suitable residential accommodation. An embargo has been placed on a transferee landlord to recover possession from the tenant by sub-section (6) of Section 14 of the Act which is in the following terms :- D

“(6) Where a landlord has acquired any premises by transfer, no application for the recovery of possession of such premises shall lie under sub-section (1), on the ground specified in clause (e) of the proviso thereto, unless a period of five years have elapsed from the date of the acquisition.” E

Sections 14B to 14D were inserted in the Act of 1958 by Act 57 of H

A 1988 which came into force w.e.f. 1st December, 1988. The aforesaid provisions are reproduced below for ready reference :-

“14B. Right to recover immediate possession of premises to accrue to members of the armed forces, etc.— (1) Where the landlord -

- B (a) is a released or retired person from any armed forces and the premises let out by him are required for his own residence ;
or
- C (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 residence of the family of such member,

D such person or, as the case may be, the dependent 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 the Delhi Rent Control (Amendment) Act, 1988, whichever is later, apply to the Controller for recovering the immediate possession of such premises.

E (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 are required for his own residence after his retirement, he may, at any time, within a period of one year before the date of his retirement, apply to the Controller for recovering the immediate possession of such premises.

F (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 to make an application under that sub-section in respect of only one of the premises chosen by him.

G *Explanation.*— For the purposes of this section, “armed forces” means an armed force of the Union constituted under an Act of Parliament and includes a member of the police force constituted under Section 3 of the Delhi Police Act, 1978 (34 of 1978).

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14C. *Right to recover immediate possession of premises to accrue to Central Government and Delhi Administration employees.*— (1) Where the landlord is a retired employee of the Central Government or of the Delhi Administration, and the premises let out by him are required for his own residence, 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 the Delhi Rent Control (Amendment) Act, 1988, whichever is later, apply to the Controller for recovering the immediate possession of such premises.

(2) Where the landlord is an employee of the Central Government or of the Delhi Administration and has a period of less than one year preceding the date of his retirement and the premises let out by him are required by him for his own residence after his retirement, he may, at any time, within a period of one year before the date of his retirement, apply to the Controller for recovering the 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 to make an application under that sub-section in respect of only one of the premises chosen by him.

14D. *Right to recover immediate possession of premises to accrue to a widow.*— (1) Where the landlord is a widow and the premises let out by her, or by her husband are required by her for her own residence, she may apply to the Controller for recovering the 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 her to make an application under that sub-section in respect of any one of the premises chosen by her.

Sections 14A to 14D carve out an exception to Section 14(1)(e) of the Act. The said provisions envisage recovery of immediate possession of the tenanted premises by (i) the members of Armed Forces, (ii) the Central Government and Delhi Administration employees who have retired or who would be retiring and (iii) where the landlord is a widow. All the aforemen-

A tioned provisions refer to the immediate necessity of the landlord.

The provisions contained in Section 14A to 14D being in the nature of exception to the main provision, they must be construed strictly.

B Where the statute provides for an exemption from the rigours of a beneficial statute for tenants, the landlord with a view to obtain immediate possession thereof must plead and prove the requirements envisaged therein. In other words the conditions precedent contained therein must be complied with.

C In *Kanta Goel* (supra) the appellant was a tenant of premises which was a portion on the first floor of the building under the father of the respondent, who was the owner of the premises. After his death, the property devolved upon his three sons and a daughter who were respondents in the appeals. The first respondent, who was in occupation of premises allotted to him by the Government was required by the Government to vacate those premises and consequently he was compelled to take proceeding under Section 14A of the Act against the tenant of the other portion of the first floor. That tenant was evicted and he came in possession of that portion of the premises on the first floor of the building which he had kept vacant. Thereafter he proceeded against the other tenant on the first floor of the building again under Section 14A of the Act. The first respondent claimed that he had become the sole owner of the first floor under the Will of his father and he was, therefore, entitled to evict the appellant. The tenant/appellant contested the petition on various grounds. He contended, *inter alia*, that the premises were not in the first respondent's name and had not been let out by him and that Section 14A could not be used twice over for eviction of tenants from more than one premises. Dealing with these submissions the Court held :-

G "The scheme of the statute is plain and has been earlier explained by this Court with special reference to Sections 14A and 25B. The Government servant who owns his house, lets it out profitably and occupies at lesser rent official quarters has to quit but, for that very purposes to be fulfilled, must be put in quick possession of his premises. The legislative project and purpose turn not on niceties of little verbalism but on the actualities of rugged realism, and so, H the construction of Section 14A(1) must be illumined by the goal,

though guided by the word. We have, therefore, no hesitation in holding that Section 14A(1) is available as a ground, if the premises are owned by him as inherited from his propositus in whose name the property stood. 'In his name' and 'let out by him', read in the spirit of the provision and without violence to the words of the section, clearly convey the idea that the premises must be owned by him directly and the lease must be under him directly, which is the case where he, as heir, steps into his father's shoes who owned the building in his own name and let it out himself. He represents the former owner and lessor and squarely falls within Section 14A. The accent on 'name' is to pre-empt the common class of benami evasions, not to attach special sanctity to nominalism. Refusing the rite of ritualism we accept the reality of the ownership and landlordism as the touchstone.

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The admitted fact is that on the same ground of the government's order to vacate, the first respondent had evicted a dwelling house on the first floor and is keeping it vacant. He is again using the same order to vacate passed by the government to evict the appellant's dwelling house. This is obviously contrary to the intendment of Section 14A and is interdicted by the proviso to Section 14A(1). It is true that when an officer is sought to be evicted by the government from its premises he has to be rehabilitated in his own house by an accelerated remedial procedure provided by Section 14A read with Section 25B of the Act. But this emergency provision available merely to put the government servant back into his own residential accommodation cannot be used as a weapon for evicting several tenants if he has many houses let out to various persons. The object of Section 14A is fulfilled once the landlord recovers immediate possession of his premises from one of his tenants. The right is exhausted thereby and is not available for continual applications for eviction against all other tenants holding under him."

We may, however, notice that in *Kanta Goel* (supra) the matter was ultimately compromised which was recorded in the judgment itself, and the tenant agreed to handover possession of the suit premises and instead

A occupy the adjacent three room apartment which was lying vacant after respondent No. 1 had obtained an order of eviction against its tenant. It thus appears that having regard to the fact that the parties had entered into a compromise, it was really not necessary for the Court to decide the aforesaid question of law that arose in the matter. In any event the Court found that the landlord had exhausted his right by evicting another tenant, and could not invoke the provision for evicting another tenant. This has led the appellant to contend that the observations of this Court in *Kanta Goel* (supra) are at best *obiter dicta* and cannot be given the same status as a binding precedent.

C In this case, however, since we are called upon to interpret the provisions of Section 14D of the Act, and since earlier a two judge Bench had doubted the correctness of the view in *Surjit Singh Kalra* (supra), we would rather decide the question that arises before us, keeping in view the reasons given in *Kanta Goel* (supra) as well as *Surjit Singh Kalra* (supra). It is worth noticing that in *Surjit Singh Kalra* (supra) the earlier judgment of this Court in *Kanta Goel* (supra) has not been referred.

E This takes us to the decision of this Court in *Surjit Singh Kalra* (supra) which considered the question with regard to landlord's right to evict the tenant under Section 14B of the Act and the corresponding right of the tenant to resist the eviction proceeding. As noticed earlier Section 14B confers certain rights on persons belonging to armed forces to recover immediate possession of the premises from their tenants for their own occupation. Under Section 14B a released or retired person from any armed forces or a dependent of a member of any armed forces who had been killed in action, can recover immediate possession of the premises if an application is made within one year from the date of release or retirement or the date of death, as the case may be, seeking recovery of immediate possession of such premises for his own residence or for the residence of the family of such member, as the case may be. Sub-section (3) of Section 14B further provides that in case the landlord has let out more than one premises, he can apply under sub-section (1) of Section 14B in respect of only one of the premises chosen by him. An argument was raised before this Court that since the Amending Act 57 of 1988 which carved out a class of classified landlords did not make corresponding amendments particularly to sub-sections (4) and (5) of Section 25B, the tenant's right to contest the application for eviction on the grounds specified in Section 14(1)(e) cannot be denied even as

against the classified landlords falling under Section 14B to 14D of the Act. The submission was rejected as its acceptance would practically obliterate the purpose and object of classification of landlords under Sections 14B to 14D who were carved out from the general category of landlords. It was noticed that the remedy under section 14(1)(e) is available only to the landlords in general or the landlords who are not classified landlords under Sections 14B to 14D. The classified landlords have been conferred with certain rights which are different from and independent of rights under Section 14(1)(e) of the Act. It was noticed that the two provisions are different in many respects. Comparing the two provisions the Court observed as follows :-

“Under Section 14B the right to evict the tenant is available to two categories of persons : (i) The person who has let out the premises and, (ii) the dependent of a member of any armed forces who had let out the premises but killed in action. In the former case, the premises must be required for his own residence and in the latter, for the residence of the family of such member. It may be noted that Section 14(1)(e) requires that the premises should have been let for residential purpose but the landlord who seeks eviction need not be the person who has let out. But Section 14B narrows down such right. It is he who has let out alone could evict or the dependent of the person who has let out but since killed in action. Secondly, Section 14B uses the expression “the premises let out by him” unlike the expression used in Section 14(1)(e) “the premises let out for residential purposes”. The definition of “premises” under sub-section (2)(i) means “any building or part of a building which is or intended to be let, separately for use as a residence or for commercial use or for any other purpose.....”. It is clear that Section 14B does not require that the premises should have been let out for residential purposes and the purpose of letting out seems to be irrelevant. But he who has let out alone could seek eviction of his tenant or the dependent of a member of any armed forces who had let out but since killed in action. Section 14B also provides the period of limitation for claiming possession of such premises, but no such limitation is provided under Section 14(1)(e). Sub-section (3) of Section 14B imposes further restriction on the landlord who is having more than one premises. Such a landlord cannot ask for possession of more than one of the premises but he can

A choose any one of the premises which he had let out. Here again
we find that there is no such restriction to a landlord covered under
Section 14(1)(e) provided the requirement of the landlord is *bona*
fide and he has no other reasonably suitable residential accommoda-
B tion. Section 14(1)(e) does not preclude the landlord from seek-
ing eviction of more than one premises provided he establishes the
need.”

The observations in the aforesaid judgments no doubt support the case
of the appellant. This Court did clearly lay down that the expression, “the
C premises let out by him” in Section 14B of the Act did mean that it is he
who has let out alone could evict, and in case the landlord had been killed
in action his dependant could seek immediate eviction of the premises let
out by such person. It is noticeable that the expression, “premises let out
by him” is used in Section 14B and 14C, but the expression, in Section 14D
is “premises let out by her, or by her husband.” Section 14B contemplates
D two situations, firstly, where the landlord is a released or retired person from
any armed forces and secondly, where he was killed in action. In case the
landlord was killed in action a right has been given to his dependant within
one year of the death of the landlord, to apply to the Controller for recover-
ing the immediate possession of the premises. Section 14C confers a right
on a retired employee of the Central Government or of the Delhi Admin-
E istration who requires the premises let out by him for his own residence.
Section 14D confers a right on a widow of the landlord to seek immediate
possession of the premises let out “by her, or by her husband”. The scheme
of these Sections appears to be that where the landlord is alive and the
premises have been let out by him, he only can make an application for
F immediate possession of the premises for his own use. Only in the case of
his death his dependant under Section 14-A, and his widow under Section
14D can seek immediate possession of the premises. The use of the expres-
sion, “let out by him” in Section 14B and 14C and the expression, “let out
by her, or by her husband” in Section 14D have significance. If it was
G unnecessary in the scheme of these Sections as to who had actually let out
the premises, the legislature would not have used the term “let out by him”
or “let out by her, or by her husband”. In interpreting a provision one cannot
assume that the words employed by the legislature are redundant. Section
14D gives a right to file an application under that provision only to a widow
who had let out the premises or whose husband had let out the premises.
H Consequently, if the premises had been let out by someone else, Section 14D

will not apply. As pointed out in *Surjit Singh Kalra* (supra) the expression used in Section 14B is “the premises let out by him”, unlike the expression used in Section 14 (1) (e) where the legislature employed the expression “the premises let out for residential purposes”. Thus in the case of a landlord belonging to the general category it was immaterial whether the premises was let out by him or by someone else, as long as he was the landlord of the premises at the time of making an application seeking eviction of the tenant. But the expression, “let out by her, or by her husband” conveys a different meaning altogether. The widow’s right to recover immediate possession of the premises arises only if the premises were let out by her or by her husband, and not by anyone else. It appears to us that the legislature has purposely employed a different expression in Section 14D as also in Section 14B and 14C. We are here concerned with an application filed under Section 14D which specifies in clear terms that a widow can invoke the provisions only if she has let out the premises, or if her husband had let out the premises. If, as observed in *Kanta Goel* (supra), the expression, “the premises let out by him” has been used only to convey the idea that the premises must be owned by him directly and the lease must be under him directly, and not that he had himself let out the premises, the legislature would not have then used the expression “let out by her, or by her husband.” The very fact that the Section specifies that the premises must be one which was let out by the widow or by her husband implies that the provision would not apply to a premises let out by any other person. If the intention of the legislature was to confer an unlimited right on a widow landlord, the use of the words “the premises let out by her, or by her husband” would have been unnecessary and the Section would have simply read as follows:-

“Where the landlord is a widow and the premises are required by her for her own residence, she may apply to the Controller for recovering the immediate possession of such premises.”

By expressly providing that the premises must be one let out by her or by her husband, the legislature has clearly excluded from the purview of the said provision “premises let out by any other person” even if in course of time the widow may have become its landlord. We are obliged to read the provision as it is, and cannot give it a meaning by deleting an expression expressly employed by the legislature. The expression, “let out by her, or by her husband” is not an expression which permits of any ambiguity. We must, therefore, give it its normal meaning. So understood the conclusion

A is inescapable that the legislature intent was only to confer a special right on a limited class of widows viz. the widow who let the premises or whose husband had let the premises before his death, and which premises the widow requires for her own use.

B If a widow becomes a landlord in relation to the tenanted premises, she in terms of Section 14(6) of the Act cannot evict the tenant before expiry of 5 years from the date of purchase, as noticed hereinbefore. When two provisions of the same statute become applicable in a given case a harmonious construction should be taken recourse to. (See : *Imdad Ali v. Keshav Chand and Others*, [2003] 4 SCC 635 para 7 and *Balwant Singh and Others v. Anand Kumar Sharma and Others*, [2003] 3 SCC 433).

C Sections 14(6) and 14D of the Act, if the rule of harmonious construction is not applied, would lead to an anomaly. Such an anomaly can be removed if the negative test contained in Section 14(6) of the Act is applied in the construction of Section 14D thereof, that is to say, as in terms of the earlier provision a transferee landlord cannot evict a tenant before expiry of five years from the date of purchase, Section 14D which provides for immediate recovery of the tenanted premises would not be applicable.

D Furthermore, it is now well-settled that a statute should be read in a manner which would give effect to all the words used in the Act and in the event the decision of this Court in *Kanta Goel* (supra) is read in a manner suggested, the expressions “let out by her or by her husband” and “such premises” in Section 14D would be otiose. Such a construction is not contemplated in law in view of the well settled principle that endeavour should be made to give effect to all the expressions used in a statute.

E There is another aspect of the matter. Section 14D uses the expression, “premises let out by her, or by her husband” which are required by the widow for her own residence. She may apply to the Rent Controller for recovering the immediate possession of “such premises”. “Such premises” obviously is relatable to the premises let out her or by her husband. It cannot take within its ambit any other premises which may have been let out by any other person. We, therefore, find substance in the submission urged on behalf of the appellant that Section 14D benefits only a class of widows viz. a widow who or whose husband had let out the premises. If the intention was to benefit all widows, the section would have provided that a widow

is entitled to obtain immediate possession of the premises owned by her and the expressions, "let out by her or by her husband" and "such premises" in Section 14D would be redundant. The High Court, therefore, fell in error in thinking that only two conditions were required to be fulfilled for the application of Section 14D namely, the landlady is a widow, and the premises are required by her for her residence. In addition to these two requirements, in our view, Section 14D insists that the premises must be one let out by her or by her husband. A widow or her late husband who acquired a tenanted premises by sale or transfer cannot invoke the provisions of Section 14D to evict a preexisting tenant.

We, therefore, prefer the reasoning in *Surjit Singh Kalra* (supra) which took the same view. *Kanta Goel's* case really was decided on another point, since it was held that the application of the landlord was not maintainable to evict another tenant on the same ground, after he had already evicted a tenant on the same ground from another premises. Moreover, in *Kanta Goel* the parties had entered into a compromise and a decision on this point was, therefore, not necessary.

Since we have held that the respondent was not entitled to invoke the provisions of Section 14D of the Act, it would be futile to remit the matter to the Court of Additional Rent Controller for granting leave to defend. We therefore, allow this appeal and set aside the judgment and order of the High Court as well as that of the Additional Rent Controller, Delhi and dismiss the application filed by the respondent under Section 14D of the Act.

B.K.

Appeals allowed.