

# **The U.P. URBAN BUILDINGS (REGULATION OF LETTINGS RENT AND EVICTION) ACT, 1972**

Withdrawal of rent by Landlord deposited by the tenant in the Court.

Method of withdrawal of Rent deposited by Tenant

- (1) If the rent is deposited by the tenant in Court, then upon receiving notice of such deposit by filing an application before the Court, withdrawal of rent deposited by tenant
- (2) Subsequently if landlord files an application for eviction of tenant on the ground of non-payment of rent, then upon depositing the rent and interest in Court on or before first hearing as per section 20(4) of The U.P. Urban buildings (REGULATION OF LETTINGS RENT AND EVICTION) Act. In such condition if rent is deposited then same can be withdrawn by Landlord upon filing of an application.
- (3) Section 30 of The U.P. Urban buildings (REGULATION OF LETTINGS RENT AND EVICTION) Act deals with the deposition of rent by the tenant in the Court under two conditions.

- (4) When Landlord refuses to accept the rent when it is tendered.
- (5) When there is bond file doubt or dispute as to landlord who is entitled to receive rent.
- (6) Duty of the Court upon deposition of rent in the Court by tenant As per section 30 (4) The U.P. Urban buildings (REGULATION OF LETTINGS RENT AND EVICTION) Act as court shall cause a notice of deposit to be served on the alleged landlord.
- (7) Court on person concerned and hold the amount of deposit for the benefit of the person who may be found entitled to it by competent Court
- (8) Ways by which landlord can withdraw rent deposited by tenant
- (9) Upon receiving notice from the Court about deposit of Rent under section 30 of The U.P. Urban buildings

## **(REGULATION OF LETTINGS RENT AND EVICTION) Act**

- (10) Landlord can accept the conditional rent deposited by tenant if landlord disputes the rent amount
- (11) Benefit of deposit of Rent by tenant under section 30 of The U.P. Urban buildings (REGULATION OF LETTINGS RENT AND EVICTION) Act
- (12) As per section 20(4) of The U.P. Urban buildings (REGULATION OF LETTINGS RENT AND EVICTION) Act if the tenant pay the arrears of rent along with damage of the first hearing of the suit then tenant is relieved of his liability for eviction on the ground of non-payment of the rent.
- (13) In Case of Siraj Ahmad Siddique vs. Prem Nath Kapoor D.O.J. 13 september 1993 Court held that when time is fixed by the Court for the filing of written statement and the hearing these dates bind the defendant regardless of the service of summons and compliance with the provisions of section 20(4) of the said Act must be judged upon the basis of dates so fixed.

(14) In Case of Shiv Shanker Singh vs IVth Additional District Judge, Kanpur Nagar and others held that The amount deposited under section 30(1) of the Act is payable to landlord on his application for withdrawal either during the pendency of the suit or after the final decision in his favour.

(15) In Smt. Vimla Devi vs District Judge, Mirzapur, Hon'ble N.D. Ojha J. has explained the reason why sub-section (1) alone and not sub-section (2) of section 30 has been mentioned in section 20(4) of the Act. The observations are as "The reason why sub-section (1) alone and not sub-section (2) of section 30 was mentioned in Section 20(4) of the Act is obvious. The deposite under section 30(1) is made if there is no dispute as to person who is entitled to receive the rent, namely the landlord, but the landlord has refused to accept the rent tendered by the tenant. If the rent is deposited under sub section (1) of section 30, the identity of the landlord not being in doubt it can immediately be withdrawn by him as contemplated by section 30(4) of the Act."