

CS 95/25

JAMILA BEGUM Vs. ZAHIDA BEGUM

25.03.2026

Present: Mr. Asim, Ld. Counsel for plaintiff.  
Ld. Counsel for defendant.

1. Defendant has refused to pay the cost imposed vide order dated 18.09.2025. The delay in filing of written statement of defendant was condoned subject to cost vide the said order. **Since cost is refused to be paid, the written statement of defendant shall not form part of record.**
2. Arguments on application U/O VII Rule 11 CPC heard.
3. Defendant wants rejection of plaint on the ground that the suit herein is barred under the provisions of Section 50 of Delhi Rent Control Act, 1958. The suit herein is *inter alia* for recovery of arrears of rent and compensation for the damage purportedly caused by defendant to the suit property.
4. It is defendant's argument that since the admitted rent in the property is less than Rs. 3500/-, therefore, any recovery of rent cannot be sought from a Civil Court and it should go before the concerned Rent Controller appointed under the Delhi Rent Control Act, 1958.
5. Counsel for plaintiff submits that even though the property is covered under the Delhi Rent Control Act, 1958, but in law, the Rent Controller does not have power under the provisions of the said Act to order recovery of arrears from the tenant/defendant or to try the question of damages payable by a tenant for the

damage caused to the property. Thus, it is submitted that the present plaint cannot be rejected U/S 50 of DRC Act.

6. I have given thoughtful consideration to the rival arguments of the parties.
7. No specific provision has been brought to my notice by counsel for defendant to *prima facie* show that the Rent Controller has been empowered to order recovery of arrears of rent under the DRC Act. Even otherwise, one of the question raised in the suit is with respect to the damage stated to have been caused by defendant to the property in dispute. This question as to whether there is any damage caused to the property and whether any compensation is liable to be paid in view of the same is a question which cannot be decided by the Rent Controller and thus, the plaint as a whole cannot be rejected U/S 50 of DRC Act. Application is misconceived. It is dismissed.
8. Since, the defence of defendant is not on record, list the matter for PE on 03.06.2026.

Aashish Gupta  
DJ-01/NE/KKD/DELHI  
25.03.2026