**Affidavit with Application, by the landlord, occupied the premises, objecting notice to vacate.**

**Format of Affidavit to application objecting to the notice to vacate the premises occupied by the Landlord.**

Application objecting notice to vacate premises occupied by the landlord should be attached with affidavit.

Sample Format of Affidavit to be attached with application objecting to the notice to vacate premises occupied by the Landlord is given below:

**BEFORE THE RENT CONTROL AND EVICTION OFFICER \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**CASE NO \_\_\_ OF \_\_\_\_\_**

**In the matter of objection to the notice under section \_\_ Rent Control & Eviction Act relating to allotment of portion of House No \_\_\_\_\_\_\_**

Affidavit of Mr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, aged about \_\_\_\_\_\_\_\_\_\_\_ years, son of Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, aged about \_\_\_\_\_\_ years, son of Shri \_\_\_\_\_\_\_\_\_\_\_\_\_ resident of \_\_\_\_\_\_\_\_\_\_\_\_ do solemnly affirm and state as under:

1. That I am the objector in the aforesaid matter and as such fully acquainted with the facts deposed to below.

2. That I am landlord of the house bearing No. \_\_\_\_\_\_ in respect of a portion of which the notice has been served.

3. That I am in occupation of the said house bearing No \_\_\_\_\_\_\_\_\_\_

4. That I inherited the said house on the death of my father late \_\_\_\_\_\_\_\_\_\_\_ on or \_\_\_\_\_\_ about

5. That my father let out the portion of the said house to Shri \_\_\_\_\_\_\_\_\_\_in the year\_\_

6. That said Shri \_\_\_\_\_\_\_\_\_\_\_\_ vacated the portion let out to him on \_\_\_\_\_\_\_\_\_\_ and since then the said portion is in my occupation as the same was required by me for the residential purpose of my family members.

7. That when my father let out the portion of the said house to Shri \_\_\_\_\_\_\_\_ my daughters and sons were very small and they have now grown up. As my daughters are young, I do not want to share the house with an outsider.

8. That the portion in my occupation, before Shri \_\_\_\_\_\_\_\_\_\_ vacated the portion of my house was not sufficient for my family. In fact I requested Shri \_\_\_\_\_\_\_\_\_\_\_ to vacate the portion of the house let out to him for requirements of my family.

9. That one of my son Shri \_\_\_\_\_\_\_\_\_\_\_ has been married on \_\_\_\_\_\_\_\_\_\_\_ and one room is required for him. The portion vacated by Shri \_\_\_\_\_\_\_\_\_consists of 2 rooms, out of which one is occupied by my married son Shri \_\_\_\_\_\_\_\_\_\_and the other two rooms are used for residential purposes by my daughters and another son.

10. That I submitted an application to the Rent Control and Eviction Officer on \_\_\_\_\_\_\_ I intimating that the portion of the house No \_\_\_\_\_\_\_\_\_ vacated by Shri \_\_\_\_\_\_\_\_may not be allotted to anybody, as the same is required for the residential use of my family.

11. That the portion of the house No \_\_\_\_\_\_\_\_\_ has been allotted to Shri \_\_\_\_\_\_\_\_\_\_ inspite of my submitting an application to the Rent Control and Eviction Officer, \_\_\_\_\_\_\_\_\_\_in this regard.

12. That the allotment order dated \_\_\_\_\_\_\_\_\_\_\_ issued by the Rent Control and Eviction Officer \_\_\_\_\_\_\_\_\_\_\_\_ in favour of Shri \_\_\_\_\_\_\_\_\_\_\_ is illegal and without jurisdiction and the notice served in pursuance of the said allotment order is also illegal and liable to be quashed.

13. That in the interest of justice, it is necessary that the notice dated \_\_\_\_\_\_\_\_\_\_\_\_\_ should be quashed and my occupation to the said accommodation may not be disturbed.

**DEPONENT**

**VERIFICATION**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the above named, do hereby verify that the contents of paragraphs 1 to 10 are true to my knowledge, and the contents of paragraphs 11 to 12 are based upon legal advice which I believe to be true; nothing has been concealed and no part of it is false.

Verified at \_\_\_\_\_\_\_\_\_\_\_\_\_ on this \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_20 \_\_\_\_\_\_

**DEPONENT**

## Law Regarding recovery of possession of property by Tenant

**Delhi Rent Control Act 1958**

**Section 19. Recovery of possession for occupation and re-entry**
(1) Where a landlord recovers possession of any premises from the tenant in pursuance of an order made under clause (c) of the proviso to sub-section (1) of section 14 [or under sections 14A, 14B, 14C, 148 and 21], the landlord shall not, except with the permission of the Controller, obtained in the prescribed manner, re-let the whole or any part of the premises within three years from the date of obtaining such possession, and in granting such permission, the Controller may direct the landlord to put such evicted tenant in possession of the premises.

(2) Where a landlord recovers possession of any premises as aforesaid and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of obtaining such possession, or the premises having been so occupied are, at any time within three years from the date of obtaining possession, re-let to any person other than the evicted tenant without obtaining the permission of the Controller under sub-section (1) or the possession of such premises is transferred to another person for reasons which do not appear to the Controller to be bona fide, the Controller may, on an application made on him in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the premises or to pay him such compensation as the Controller thinks fit.

**Section 20. Recovery of possession for repairs and re-building and re-entry**

(1) In making any order on the grounds specified in clause (f) or clause (g) of the proviso to sub-section (1) of section 14, the Controller shall ascertain from the tenant whether he elects to be placed in occupation of the premises or part thereof from which he is to be evicted and if the tenant so elects, shall record the fact of the election in the order and specify therein the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs or building or re-building, as the case may be.

(2) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of the work of repairs of building or re-building, place the tenant in occupation of the premises or part thereof.

(3) If, after the tenant has delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs or building or re-building within one month of the specified date or fails to complete the work in a reasonable time or having complete the work, fails to place the tenant in occupation of the premises in accordance with sub-section (2), the Controller may, on an application made to him in this behalf by the tenant within such time as may be prescribed, order the landlord to place the tenant in occupation of the premises or part thereof or to pay to the tenant such compensation as the Controller thinks fit.