



\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: December 06, 2025

+ RC.REV. 197/2023, CM APPL. 36749/2023, CM.APP. 77063/2025

**KARVAL BATRA**

.....Petitioner

Through: Mr. Ajit Singh and Ms Yashvi Sood, Adv. (M-9990525091)

Versus

**PAWAN KUMAR RASTOGI**

.....Respondent

Through: Mr. D.K. Rustagi, Ms. Anjali Pandey and Mr. Mayank Rustogi, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**J U D G M E N T ( O R A L )**

1. By virtue of the present petition, the petitioner/ tenant (*tenant*) seeks setting aside of the order dated 16.03.2023 (*impugned order*) passed by learned Rent Controller, Shahdara District, Karkardooma Courts, Delhi (*learned RC*) in RC ARC No.35/2022 filed by the respondent/ landlord (*landlord*) under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958 (*DRC Act*) seeking eviction of the premises being Shop No.3 in property bearing No.E-4/4, Krishna Nagar, Delhi-110 051 (*subject premises*).

2. Since, learned counsel for the tenant, at the outset, submits that there is no dispute *qua* the findings rendered by the learned RC regarding the existence of *landlord-tenant relationship* between the parties, the *bona fide requirement* urged by the landlord as well as the availability of



*alternative accommodations*, the same need not be adverted to by this Court, and the findings of the learned RC *qua* the same require no interference. However, as per learned counsel for the tenant, since the observations made in *paragraph nos.7* and *9* of the impugned order were/ are not pertaining to the facts and circumstances involved herein, the learned RC has proceeded to adjudicate the Eviction Petition on the basis of presumptions beyond the case of the parties. Lastly, the learned counsel submits that since the said Eviction Petition was filed by one of the co-owners of the subject premises, the same was not maintainable.

3. In response, learned counsel for the landlord, also agrees that the observations made in *paragraph nos.7* and *9* of the impugned order were/ are inadvertently forming a part of the record. The learned counsel submits that the same has happened since the impugned order was passed on the very same day, by the very same RC when another order was being pronounced in another Eviction Petition being RC ARC 34/2022 of the very same landlord for other two shops in the same building wherein the subject premises involved herein was/ is situated. The learned counsel further submits that an Eviction Petition is very much maintainable by any one of the co-owners. Hence, as per the learned counsel, the impugned order dated 16.03.2023 passed by the learned RC is not liable to be interfered with by this Court in revisional jurisdiction.

4. Heard learned counsels for the parties and perused the documents and pleadings on record.

5. Although, there is no dispute about the contents of *paragraph nos.7* and *9* of the impugned order, however, taking an overall view of the impugned order, the same were, at best, forming a part of the *obiter*, and



the subsequent findings rendered by the learned RC in *paragraph nos.10* and *11*, which are forming a part of the *dicta* are clearly independent of the said *paragraph nos.7* and *9*, and not based thereon, as such *paragraph nos.7* and *9* in the impugned order are an inadvertent error, let alone an error of law or of jurisdiction. As such, the same, in the wake of peculiar facts and circumstances, as also in the interest of justice and considering the precious time and efforts of the parties and the learned RC involved, this Court deems it fit and appropriate to proceed further on merits involved herein without taking note of the said *paragraph nos.7* and *9*.

6. Proceedings further, as per what has been held by the Hon'ble Supreme Court in *India Umbrella Manufacturing Co. & Ors. vs. Bhagabandei Agarwalla thr. LRs. & Ors. 2004 (3) SCC 178*, since it is sufficient for one of the co-owners to file an Eviction Petition, as also since there is no dispute that the landlord who filed the same was/ is indeed one of the co-owners of the subject premises, the same is held to be maintainable before the learned RC.

7. In view of the afore-going, this Court does not see any infirmity in the impugned order, and consequently finds no reason to interfere with the same, especially considering that this Court is exercising revisional jurisdiction, wherein, as held in *Sarla Ahuja vs. United India Insurance Co. Ltd. (1998) 8 SCC 119*; *Abid-Ul-Islam vs. Inder Sain Dua (2022) 6 SCC 30*, unless there is a patent error on the face of the record, the findings of the learned RC are not to be substituted with the findings of this Court.

8. Accordingly, the present petition, along with pending applications, stands dismissed, and the impugned order dated 16.03.2023 passed by the



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learned RC is upheld.

9. Considering the statutory period of six months in terms of *Section 14(7)* of the DRC Act has already expired, the tenant is liable to vacate the subject premises and hand over peaceful and physical possession thereof to the landlord in compliance of the impugned order.

**DECEMBER 6, 2025/Ab**

**SAURABH BANERJEE, J.**