



2026:DHC:9312



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: October 09, 2026

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Pronounced on: October 16, 2026

CNR No. DLHC010975382024

+ RC.REV. 397/2024

AJAY KUMAR GUPTA

.....Petitioner

Through: Ms. Beenashaw N Soni, Sr. Adv.
with Mr. Rajesh Bansal, Mr.
Prashant Srivastav, Ms. Ann Joseph,
Ms. Mansi Jain and Ms. Katyani
Malhotra, Advs. (9205230113)

Versus

PRAKASH CHAND GUPTA & ORS.

.....Respondents

Through: Mr. Viney Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

REVIEW PET. 640/2025 in RC.REV. 397/2024

1. By virtue of the present review petition under *Section 114* read with *Order XLVII* of the Code of Civil Procedure, 1908, the petitioner/ tenant seeks review of the order dated 02.12.2025 (***order under review***) passed by this Court in the captioned revision petition filed by the tenant against the order dated 09.08.2024 (***impugned order***) passed by the learned Additional Rent Controller, Central District, Tis Hazari Courts, Delhi (***ARC***) in RC ARC No.170/2022 (***eviction petition***) of the respondents/ landlords under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958 (***DRC Act***).



2. As recorded in the order under review, the primary ground for challenge urged by learned counsel for the tenant before this Court was regarding maintainability of the Eviction Petition filed by the landlords before the learned ARC, in view of the Gift Deed dated 24.12.2021 executed in their favour which was forming a part of the record, thereby barring the same in view of Section 14(6) DRC Act as the minimum period of five years therein had not yet lapsed. For ease of reference, the relevant portion of the Eviction Petition pertaining to the above is reproduced as under:-

“(ii) That parents of the petitioners let out 1 (One) shop to the respondent's father, Shri Jai Narain Gupta on the ground floor in the property bearing No. E-22, Kamla Nagar, Delhi-110007 since year about 1954 and he died on 31.01.1992 and, after his death, the respondent occupied the said tenanted premises on the rent of Rs.15,00/- per month. The other Legal Heirs of-Late Shri Jai Narain Gupta surrendered their tenancy rights in favour of respondent vide Surrender Deed dated 01.05.2010. Site Plan is enclosed as ANNEXURE-C.

(iii) That the mother of the petitioners, namely, Smt. Vidyawati died on 04.03.2020, leaving behind her husband, Shri Rattan Lal and 7 (Seven) children, namely, Shri Prakash Chandra Gupta, Shri Mukesh Kumar Gupta, Shri Sunil Gupta, Smt. Kamlesh, Smt. Mithlesh, Smt. Renu Gupta and Smt. Anju Gupta. It is submitted that Smt. Vidyawati also had 1 daughter namely, Smt. Bimlesh who predeceased Smt. Vidyawati leaving behind her 3 three children. It is further submitted that all the children of Smt. Vidyawati have relinquished their rights in the property vide 2 relinquishment deeds dated 19.01.2021 & 24.03.2021, in favour of Shri Rattan Lal (Father of the petitioners). {Copy of Death Certificates of Smt. Vidyawati: and Smt. Bimlesh and relinquishment deeds 24.03.2021 are enclosed



as ANNEXURE-D & E.

(iv) That Shri Rattan Lal, father of the petitioners is a far sighted person of the age of more than 94 years and just to avoid any controversy/ dispute which may arise in future between his legal heirs has executed a gift deed dated 24.12.2021 in favour of his three sons i.e. petitioners, having registration No. 12612 in Book No.1, volume No. 8850 on pages 91 to 100.

It is submitted that the transfer by Shri Rattan Lal of his property bearing No. E-22, Kamla Nagar, Dlehi-110007 in favour of his three sons is not a fraudulent transfer but a bonafide transfer. It is submitted that, though, the petitioners became co-owner of the suit property after death of their mother, Smt. Vidyawati."

[Emphasis Supplied]

3. Based thereon, and noting that the above was undisputed, the learned ARC proceeded to pass the impugned order holding that the transactions *inter se* the family members, who were already the co-owners of the subject premises, were of the nature of a mutual settlement only to ascertain their respective shares, and as such, in view of the legal position, the Eviction Petition was not hit by Section 14(6) DRC Act, and the same was allowed on merits.

4. It is the said order passed by the learned ARC which was challenged by the tenant before this Court in the form of the present revision petition.

5. After having heard the rival submissions addressed by learned counsels for the parties at length, as also considering the legal position, this Court negated the aforesaid contention *qua* Section 14(6) DRC Act urged by the tenant by way of the order under review, observing as under:-

"8. The aforesaid reflects that the subject premises fell into the hands of the landlords after members of the same family initiated certain steps inter se themselves. Also, that



they all had been/ were co-owners of the subject premises at some point of time. Thus, the said steps were of a nature akin to a family settlement. The learned ARC has rendered his findings

proceeding on the said basis, and in line with the law laid down by the Hon'ble Supreme Court in **V. N. Sarin vs. Major Ajit Kumar Poplai** 1966 SCR (1) 349 on the scope and intent of Section 14(6) of the DRC Act.

9. **This Court is in complete agreement with the aforesaid findings of the learned ARC. In the considered opinion of this Court, the bar under Section 14(6) of the DRC Act comes into play only when "... ..a landlord has acquired any premises by transfer... ..", and where, in the present case, the landlords were not rank outsiders/ third parties, were, admittedly, owners of the subject premise before through lineage, and all subsequent documents were executed inter se members of the same family, it cannot be held that there was an acquisition by transfer as envisaged in Section 14(6) of the DRC Act. Even otherwise, the tenant was unable to show as to how the said Gift Deed dated 24.12.2021 would come under the ambit of the bar under Section 14(6) of the DRC Act. This gives no reason for this Court to disagree with the findings rendered by the learned ARC qua the above.**

[Emphasis Supplied]

6. Thereafter, the tenant filed the present review petition seeking review of the order dated 02.12.2025, on the sole ground, once again, that the Gift Deed dated 24.12.2021 was nothing but a simple 'transfer' as per Section 122 of the Transfer of Property Act, 1882 (**TP Act**). However, this time, learned senior counsel for the tenant also sought to rely upon the decision of the Hon'ble Supreme Court in **N.P. Saseendran vs. N.P. Ponnamma & Others:(2025) 7 SCC 502**.

7. Learned counsel for the landlords, on the other hand, disputed the maintainability of the present petition, submitting that the very same



contentions of the tenant raised herein have already been dealt with by this Court in the order under review.

8. This Court has heard learned (senior) counsels for the parties and perused the documents and pleadings on record.

9. Before advertng to the merits involved, this Court has to bear in mind that the present is a review petition, wherein the scope and ambit is not the same as that of an appeal or otherwise. In fact, the Hon'ble Supreme Court in ***Sanjay Kumar Agarwal vs. State Tax Officer (1):2023 SCC OnLine SC 140*** has highlighted about the same as under:-

*“9. In the words of Krishna Iyer J., (as His Lordship then was) “a plea of review, unless the first judicial view is manifestly distorted, is like asking for the Moon. **A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result.....** A review in the Counsel's mentation cannot repair the verdict once given. So, the law laid down must rest in peace.”*

10. It is also well settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that a judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

11. In *Parsion Devi v. Sumitri Devi*, this Court made very pivotal observations:—

*“9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. **An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of***



review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be “reheard and corrected”. A review petition, it must be remembered has a limited purpose and cannot be allowed to be “an appeal in disguise.”

12. Again, in *Shanti Conductors Private Limited v. Assam State Electricity Board*, a three Judge Bench of this Court following *Parsion Deviv. Sumitri Devi (supra)* dismissed the review petitions holding that the scope of review is limited and **under the guise of review, the petitioner cannot be permitted to reargue the questions which have already been addressed and decided.**

13. Recently, in *Shri Ram Sahu (Dead) Through Legal Representatives v. Vinod Kumar Rawat*, this Court restated the law with regard to the scope of review under Section 114 read with Order XLVII of CPC.

14. In *R.P.(C) Nos. 1273-1274 of 2021 in Civil Appeal Nos. 8345-8346 of 2018 (Arun Dev Upadhyaya v. Integrated Sales Service Limited)*, this Court reiterated the law and held that:—

“15. From the above, it is evident that a power to review cannot be exercised as an appellate power and has to be strictly confined to the scope and ambit of Order XLVII Rule 1 CPC. An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.”

15. It is very pertinent to note that recently the Constitution Bench in *Beghar Foundation v. Justice K.S. Puttaswamy (Retired)*, held that even the change in law or subsequent decision/judgment of co-ordinate Bench or larger Bench by itself cannot be regarded as a ground for review.

16. The gist of the afore-stated decisions is that:-



(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

(ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

(iii) An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.

(iv) In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be “reheard and corrected.”

(v) A Review Petition has a limited purpose and cannot be allowed to be “an appeal in disguise.”

(vi) Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

(vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(viii) Even the change in law or subsequent decision/ judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review.”

[Emphasis Supplied]

10. As evident therefrom, the present review petition and what has been sought to be agitated by learned senior counsel for the tenant in furtherance thereof, is nothing short of the tenant taking recourse to reargue and reagitate the very same contentions which have duly been negated by this Court *vide* the order under review. The same, thus, does not require any fresh adjudication by this Court. Moreover, since the tenant has clearly not been able to establish any mistake(s)/ error(s) apparent on the face of the



record. The present is not an appeal, which has to be seen/ taken from a different perspective altogether.

11. It is worthwhile to reiterate that while specifically dealing with the contention of the tenant *qua* Section 14(6) DRC Act, this Court not only noted that the landlords were not merely asserting their rights in the Eviction Petition on the basis of the Gift Deed dated 24.12.2021, clearly stating that they were already co-owners of the subject premises by lineage, but also endorsed reliance placed by the learned ARC on the dicta of the *Five-Judge Bench* of the Hon'ble Supreme Court in **V.N. Sarin vs. Major Ajit Kumar Poplai & Another:1965 SCC Online SC 301** to conclude that the same, not being an "...*acquisition by transfer*..." as envisaged in Section 14(6) DRC Act, pertaining to fraudulent transfers to rank outsiders, was not hit by the bar therein.

12. Moreover, this Court also noted that, aside from harping on the mechanical applicability of the definition of '*transfer*' under other Act(s)/ Statute(s), the tenant was nowhere able to show how the said Gift Deed dated 24.12.2021 fell within the ambit of the mischief sought to be remedied by Section 14(6) DRC Act.

13. As borne out from the aforesaid order under review, especially the relevant portions reproduced hereinabove, the tenant is merely trying to give a different interpretation from its own earlier case before the learned ARC and before this Court by way of the present review petition, which is neither legally nor factually permissible.

14. In view of the factual matrix involved herein, reliance upon **N.P. Saseendran (supra)** by learned senior counsel for the tenant is misplaced, more so, since the same was pertaining to a civil dispute *qua* the title of a



property, and was involving completely a different set of facts and circumstances, involving only general provisions of law and the TP Act, and not to the specific provisions of the Special Statute being the DRC Act as the case herein. Moreover, the law of the land in the aforesaid *Five-Judge Bench* decision in **V.N. Sarin (supra)**, which specifically dealt with the intent behind *Section 14(6)* DRC Act, was not considered. Thus, in view of the settled position of law in **V.N. Sarin (supra)**, *Section 122* TP Act or the findings in **N.P. Saseendran (supra)** cannot be *ipso facto* read into the DRC Act, particularly, in view of the existing provisions of *Sections 14(1)(e)* and *14(6)* DRC Act.

15. In view of the afore-going, especially considering the contours of a review petition as laid out in **Sanjay Kumar Agarwal (supra)**, the tenant has failed to make out any case for interference with the order under review, also not having pointed out any mistake(s)/ error(s) apparent on the face of the record.

16. Accordingly, the present review petition is dismissed.

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17. In view of the order passed by this Court on 02.12.2025, after dealing with the objections raised by the tenant on the maintainability of the Eviction Petition before the learned ARC, and since learned senior counsel for the tenant has not reverted with any instructions *qua* the feasible time period for vacation of the subject premises, as also REVIEW PET. 640/2025 of the tenant has also been dismissed hereinabove, the present petition is dismissed.



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18. As such, the interim order dated 20.12.2025, granting interim relief to the tenant, stands vacated.

19. Consequently, the learned Executing Court is free to proceed with the execution petition, already filed by the landlords, in accordance with law.

20. The present petition, alongwith the pending applications, is accordingly disposed of.

SAURABH BANERJEE, J.

OCTOBER 16, 2026/ab/rs