



2025:DHC:11729



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: November 21, 2025

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Pronounced on: December 22, 2025

+ **RC.REV. 274/2025, CM APPL. 56027/2025, CM APPL. 56028/2025**

HANS RAJ

.....Petitioner

Through: Mr. Vaibhav Dabas, Adv.

Versus

KISHORI LAL

.....Respondent

Through: Mr. Manish Phore, Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. In an Eviction Petition under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958¹ before the learned Additional Rent Controller (West), Tis Hazari Courts, Delhi², the respondent/ landlord³ sought eviction of the petitioner/ tenant⁴ from the premises consisting of a room each on the ground floor as also on the first floor forming part of property bearing no.3026/7B, Ranjit Nagar, New Delhi-110 008⁵.

2. *Succinctly put*, for establishing *landlord tenant relationship* before the learned ARC, it was the case of the landlord therein that since his father was the owner of the property wherein the subject premises was situated, he along with his brothers, became the joint owners thereof after his

¹ Hereinafter referred to as '**DRC Act**'

² Hereinafter referred to as '**learned ARC**'

³ Hereinafter referred to as '**landlord**'

⁴ Hereinafter referred to as '**tenant**'

⁵ Hereinafter referred to as '**subject premises**'



demise. Thereafter, his brothers relinquished their respective shares in his favour. Resultantly, the landlord became the sole owner of the subject premises. The tenant was inducted by the landlord in the subject premises at a monthly rent of Rs.450/- excluding other charges. The landlord issued rent receipts as and when he received rent from the tenant.

3. As the landlord had retired as a Bailiff in the Revenue Department, Delhi Administration, GNCTD and was getting a meagre pension of Rs.22,938/- per month, for sustaining his family and family of his son, he had a *bona fide requirement* of the subject premises for starting a business of sale of books, stationery and gift items. As the said subject premises is located near a school, it is best suited for the landlord.

4. The learned ARC issued summons in the prescribed form to the tenant on 03.09.2024, however, the same was returned '*unserved*' since the premises was found locked. Resultantly, fresh summons were issued on 04.11.2024 for 09.01.2025. In the meanwhile, the landlord filed an application under *Order V Rule 20* of the Code of Civil Procedure, 1908⁶ therein for substituted service. After it being allowed *vide* order dated 17.12.2024, the tenant was served through publication in the newspaper "*Veer Arjun*" on 25.12.2024.

5. Resultantly, the tenant appeared before the learned ARC on 09.01.2025, and though he was granted extended time to file his application seeking leave to defend, it was filed by him only on 12.02.2025.

6. Based on the available records, the learned ARC dismissed the said application of the tenant seeking leave to defend *vide* order dated

⁶ Hereinafter referred to as '*CPC*'



10.07.2025⁷ as it was filed beyond the statutory period of *fifteen days*. Resultantly, the Eviction Petition filed by the landlord came to be allowed.

7. Hence, the present revision petition filed by the tenant seeking setting aside of the said impugned order dated 10.07.2025 passed by the learned ARC.

8. In furtherance of the case of the tenant, learned counsel for the tenant submitted that though the tenant was served through publication on 25.12.2024, however, since the publication was not accompanied with a copy of the Eviction Petition, the service of summons was not in compliance as per Third Schedule of the DRC Act. The learned counsel also submitted that despite repeated requests of the tenant to the landlord for a copy thereof, he received nothing. This prompted the tenant to file an application under *Section 151* of the CPC for supply of a copy of the Eviction Petition on 16.01.2025 and the same was listed on 27.03.2025. However, in the interregnum, he applied for certified copies of the same on 21.01.2025, which, after being ready on 01.02.2025, was collected by him on 03.02.2025. As such, the tenant filed his leave to defend within *fifteen days* from the date of receipt of the certified copies on 12.02.2025.

9. Based thereon, learned counsel submitted that the learned ARC erred in passing the impugned order dismissing the application of the tenant seeking leave to defend.

10. Issue Notice.

11. Learned counsel for the landlord accepts notice and submitted that not only the tenant was duly served through publication on 25.12.2024 he also appeared before the learned ARC on 09.01.2025. Despite thereto,

⁷ Hereinafter referred to as '*impugned order*'



since the tenant failed to file the leave to defend within the statutory period, the learned ARC has rightly dismissed his application seeking leave to defend.

12. This Court has heard the learned counsel for the parties and gone through the documents and pleadings on record.

13. *Section 25B* of the DRC Act, introduced by the *Amendment Act of 1976*⁸, was enacted with an objective to lay down a special procedure for speedy disposal of an Eviction Petition filed on the ground of *bona fide requirement*, so as to ensure that a landlord with an honest and genuine need is not subjected to protracted litigation. In view the aforesaid objective, *Section 25B* of the DRC Act, is in the nature of a summary procedure and constitutes a Code in itself, requiring strict adherence to the mandatory stipulated time lines that needs to be followed at each stage.

14. *Section 25B(1)* of the DRC Act mandates that the Eviction Petition filed by a landlord on the grounds specified in *Section 14(1)(e)* as well as under *Sections 14A, 14B, 14C and 14D* of the DRC Act, is to be tried as per the procedure prescribed therein itself. *Section 25B(2)* of the DRC Act requires the Controller to mandatorily issue summons in the form specified in the *Third Schedule* of the DRC Act. Similarly, *Section 25B(3)* of the DRC Act deals with the mode of service of summons as also enables the Controller to order service by way of publication in newspapers where circumstances so require.

15. *Section 25B(4)* of the DRC Act restricts the tenant from contesting the said Eviction Petition as a matter of right, and specifically provides that

⁸ Act No. 18 of 1976



a tenant shall not be entitled to contest the Eviction Petition without filing an application/ affidavit disclosing the grounds on which he seeks to contest the eviction proceedings, as also in case of failure thereof, the averments made in the Eviction Petition shall be deemed to be admitted and eviction order can be passed against the tenant. *Notably*, though *Section 25B(4)* of the DRC Act prescribes the consequences of default, the time line specified is only in the *Third Schedule* of the DRC Act, as there is nothing relating to the same in *Section 25B* of the DRC Act. As such, the *Third Schedule* of the DRC Act is to be read conjointly and harmoniously with the provisions of both *Section 14(1)(e)* and *Section 25B*. Thus, it is manifestly clear that the tenant is not only required to enter appearance within *fifteen days* of service of summons but is also obliged, within the same period, to file an application/ affidavit seeking leave to defend. Reference in this connection can be made to the decision of the Hon'ble Division Bench in *Gurditta Mal vs. Bal Sarup*⁹.

16. Moreover, the specified period of *fifteen days* being mandatory and inflexible in nature, as per the DRC Act, is no more *res integra* as it has been consistently held by Courts that the said period is sacrosanct, and there cannot be any extension and/ or relaxation thereof. Doing so, will amount to undermining the legislative intent behind the same. In this regard, this Court finds able support in *Prithipal Singh vs. Satpal Singh*¹⁰, wherein it has been held as under:

“16. From a careful perusal of Sub-section (4) of Section 25B of the Rent Act, it would be clearly evident that the tenant shall not be permitted to contest the prayer for

⁹ ILR (1980) 1 Del 40

¹⁰ (2010) 2 SCC 15



eviction unless he files an affidavit before the Controller stating the ground on which he seeks to contest the application for eviction and obtains leave from the Controller. This Section also clearly indicates that in default of his appearance in compliance with the summons or his obtaining such leave, the statement made by the landlord in the eviction proceeding shall be deemed to be admitted by the tenant and the landlord shall be entitled to an order for eviction on the ground mentioned in the eviction petition. At this stage, we may also note that in Sub-section (4) of Section 25B of the Rent Act read with Third Schedule, it has been made clear by the Legislature that if the summons of the proceeding is received by the tenant, he has to appear and ask for leave to contest the eviction proceeding within 15 days from the date of service of notice upon the tenant and if he fails to do so, automatically, an order of eviction in favour of the landlord on the ground of bona fide requirement shall be made.”

17. The aforesaid has to be borne in mind while adjudicating the present revision petition.

18. In the present proceedings, it is an admitted position that though the tenant was served by way of publication on 25.12.2024, the tenant never divulged his actual date of acquiring knowledge of the pendency of the Eviction Petition filed by the landlord, barring that he approached his counsel only on 08.01.2025. Additionally, barring simple, bald and unsupportive assertions, there is nothing on record as to how he made efforts to obtain copy of the Eviction Petition from the landlord prior to appearing before the learned ARC. Considering the factual matrix involved, it can hardly be believed that the tenant indeed contacted the landlord.

19. Moreover, it is not the case of the tenant that he made any such



assertion/ statement/ request before the learned ARC on the date of his first appearance on 09.01.2025. Despite thereto, he was granted an extended opportunity to file his application seeking leave to defend on the same date.

20. *Interestingly*, the tenant despite being aware of the summary nature of eviction proceedings under *Section 25B* of the DRC Act, applied for certified copy of the complete file from his end only on 21.01.2025, which is, *admittedly*, just *three days* prior to the expiry of the statutory period of *fifteen days* from the date of his first appearance on 09.01.2025. There is a complete lull at the end of the tenant about what transpired in between.

21. Further, it is the own case of the tenant that though the certified copy was prepared on 01.02.2025, and collected by him on 03.02.2025, the application seeking leave to defend was filed belatedly only on 12.02.2025.

22. The above reflects that there were repeated lapse(s) on the part of the tenant in complying with the mandatory stipulations contained in *Section 25B* of the DRC Act. There were more than one chance for the tenant to come with clean hands and plead his case, however, he was never within the time frame of taking benefit of not being supplied with a complete set of paper book. Therefore, this Court, for the umpteen reasons, cannot grant any benefit to the tenant for the repeated lapse(s) on his part as he was caught sleeping on his own rights. Considering the facts and circumstances involved, it does not lie in the mouth of the tenant to contend that the publication was not accompanied with a complete copy of the paper book.

23. In view of the aforesaid analysis and discussions, as also the mandatory stipulations contained in *Section 25B* of the DRC Act whereby the time line of *fifteen days* for filing an application seeking leave to defend by the tenant is sacrosanct and taking into account the settled position of



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law *qua* it, there is no cause and/ or reason for this Court to interfere with the impugned order passed by the learned ARC.

24. *Ergo*, in view of the aforesaid, the present petition along with the pending applications, being devoid of merits, is hereby dismissed.

25. Accordingly, the tenant shall vacate the subject premises consisting of a room each on the ground floor as also on the first floor forming part of property bearing no.3026/7B, Ranjit Nagar, New Delhi-110 008 and hand over peaceful and physical possession thereof to the landlord in terms of the impugned order dated 10.07.2025 passed by the learned ARC, after expiry of the remaining mandatory period of *six months* granted by the learned ARC in view of *Section 14(1)(e)* of the DRC Act.

SAURABH BANERJEE, J.

DECEMBER 22, 2025/Ab/GA