



2025:DHC:9517



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

% **Date of Decision: 29.10.2025**

+ W.P.(C) 173/2023, CM APPL. 1217/2023 & CM APPL. 73291/2024
ARUN SOODPetitioner

Through: Mr. Atul Gupta, Adv.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.
.....Respondents

Through: Mr. Siddhant Nath, SC with Mr.
Bhavishya Makhija and Mr. Amaan
Khan, Advs. for MCD
Mr. Sanjeev Sabharwal, SPC for UOI
Mr. Krish Kalra, Adv. for R-4
(Through VC)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA
MINI PUSHKARNA, J. (ORAL):

1. The present writ petition is a disposed of case in which applications have been filed on behalf of respondent no. 4, to apprise this Court of the fact that the present writ petition had been filed by the petitioner on the basis of false averment that the petitioner is the owner of the property bearing *No. 1/777, Nicholson Road, Delhi-110006*.
2. The averment made by the petitioner in this regard, in the present writ petition, is reproduced as under:



“xxx xxx xxx

1. That the petitioners is the lawful owner/ co-owner/ occupier of the property bearing no 1/777, NICHOLSON ROAD, DELHI-110006, running his business in the name and style of M/s Scientific Equipments Works. The copies of the electricity bill indicating possession are annexed herewith as **Annexure-A (Colly)**.

xxx xxx xxx”

3. Learned counsel appearing for respondent no.4 has brought to the notice of this Court a judgment dated 10th August, 2023, of this Court, passed in *RC. REV. No. 71/2022*, titled as “*Arun Sood Versus Hardit Kaur & Ors.*”. The said revision petition had been filed by the petitioner herein, assailing an order dated 23rd October, 2021, of the Learned Rent Controller, Tis Hazari Courts, New Delhi, whereby, an eviction order was passed against the petitioner herein in his capacity as a tenant.

4. Reading of the aforesaid judgment clearly shows that there is a categorical finding that the petitioner herein was not in occupation of the property in question and that the said property was lying vacant in a dilapidated condition. The relevant portions of the aforesaid judgment dated 10th August, 2023, passed in *RC. REV. No. 71/2022*, read as under:

“xxx xxx xxx

1. This revision petition has been filed by the Petitioner, tenant assailing the order dated 23.10.2021 (‘impugned order’) passed by Additional Rent Controller, Tis Hazari Court, Central District, Delhi (‘Trial Court’) whereby the application(s) seeking leave to defend were dismissed and an eviction order was passed under Section 14(1)(e) of the Delhi Rent Control Act, 1958 (‘DRC Act’) in favour of the Respondent Nos. 1 and 2, landlords with respect to the premises i.e., ground floor



built up property comprising of rooms, halls, verandah, tin sheds, open spaces, in a plot admeasuring 584 Sq. Yds. bearing Municipal No. 777 in Ward No. 1, at Nicholson Road, Kashmiri Gate, Delhi as shown in red colour in the site plan annexed with the petition ('tenanted premises' or 'subject property').

xxx xxx xxx

30. However, in the facts of the present case, where the tenanted premises has not been occupied by the Petitioner ever; (Petitioner is not in physical possession) and in fact the tenanted premises is admittedly lying unused and is now in the dangerous condition of collapsing for many years, the reliance placed on the provisions of the DRC Act by the Petitioner, in the facts of this case, for seeking re-possession appears to be an abuse of process and the provisions of the DRC Act in the facts of this case.

31. The Petitioner has admittedly never paid any rent for the tenanted premises to Respondent Nos. 1 and 2 and has never actually occupied the said premises. The present petition seeking to invoke this beneficial legislation perfunctorily, in light of the averments made in the eviction petition, is a text book illustration of the tyranny unleashed by litigants like the Petitioner herein.

xxx xxx xxx”

(Emphasis Supplied)

5. Thus, it is apparent that the petitioner was a tenant in the property, which is the subject matter of the present writ petition. However, the present writ petition was filed by the petitioner by putting forth before this Court that the petitioner was the lawful owner/occupant of the property in question. Whereas, the fact of the matter is that the petitioner was neither the owner of the property in question, nor was in occupation of the said property.

6. Upon pointed query by this Court in this regard, learned counsel appearing for the petitioner has sought to justify by stating that the averment with regard to the petitioner being owner/occupant of the property in question, was only a typographical error.



7. The aforesaid submission made on behalf of the petitioner is wholly unacceptable. The explanation as sought to be given on behalf of the petitioner, is only an afterthought and a lame attempt by the petitioner to overcome the blatant error committed in making false submissions before this Court, clearly with a view to mislead this Court. In case, the petitioner was neither the owner, nor the occupier of the property in question, the petitioner would have had no *locus* to file the present writ petition and the same would have been dismissed at the first instance. The present writ petition was entertained as the petitioner wrongly put forth before this Court that he was owner/occupier of the property in question.

8. Accordingly, the said explanation as sought to be given by learned counsel appearing for the petitioner is rejected.

9. The present petition, as had been filed by the petitioner, is clearly an attempt to mislead this Court. When a party files a writ petition, the said party is enjoined upon to approach the Court with clean hands and not to suppress any facts or mislead the Court in any manner.

10. In the present case, the petitioner is clearly guilty of suppressing the actual facts before this Court and of portraying wrong facts before this Court, with the intent of obtaining orders in his favour.

11. Thus, the present writ petition had clearly been filed by the petitioner with an oblique motive and for *malafide* purposes.

12. Considering the aforesaid egregious facts that have been brought before this Court, it is clear and manifest that the present writ petition is an abuse and misuse of the process of law, and has been filed by the petitioner in order to settle his personal scores with the actual owners of the property in question, since eviction order against the petitioner had already been



passed.

13. Further, this Court also takes note of the fact that the judgment dated 10th August, 2023, in *RC. REV. No. 71/2022*, as aforesaid, has been re-affirmed by the Supreme Court as the appeal against the same was dismissed by the Supreme Court.

14. Considering the submissions made before this Court and the aforesaid facts and circumstances, the present petition was clearly not maintainable, and was in the nature of an abuse and misuse of the process of the Court.

15. Accordingly, though the present writ petition had been disposed of by an earlier order dated 06th February, 2023, however, the facts as noted above were not in the knowledge of the Court at the time of said disposal.

16. Accordingly, a cost of Rs. 1 Lakh is imposed upon the petitioner, to be payable to:

Delhi High Court Bar Clerk's Association
Account No. 15530100006282
IFSC Code: UCBA0001553
Bank Name: UCO Bank
Branch: Delhi High Court

17. The aforesaid cost shall be paid by the petitioner within a period of four weeks, from today.

18. According, the pending applications are disposed of in the aforesaid terms.

19. List before the Registrar for compliance on 10th December, 2025.

MINI PUSHKARNA, J

OCTOBER 29, 2025/KR