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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 20th March, 2025***+ **CM(M) 3987/2024 & CM APPL. 70878-70880/2024****KISHORE KUMAR**

.....Petitioner

Through: **Mr. Suvendra Mishra, Ms. Sonal Mishra and Mr. Utkarsh Mishra, Advs.**

versus

SURESH SETHI & ORS.

.....Respondents

Through: **Ms. Bhakti P Sethi, Adv.****CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. The situation in the present case is peculiar.
2. The petitioner herein is a tenant who is defending eviction petition filed on the ground of *bonafide* requirement.
3. During the pendency of the above said petition, the tenant had contended before the learned Rent Controller that since the petitioner had been claiming rent @ Rs. 50,000/- per month, the petition, being beyond the jurisdiction of the learned Rent Controller, should have been dismissed. Learned Rent Controller, taking note of the fact that in the petition, the rent was mentioned as Rs. 100/- per month, which fact had not even been controverted by the tenant, observed that the petition was maintainable under Delhi Rent Control Act, 1958 (in short "DRC Act")
4. Such order is under challenge.
5. Learned Counsel for respondent/Landlord, however, apprises about one substantial and significant development in the matter. She submits that



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since the proceedings were summary in nature, the learned Rent Controller considered the application seeking *leave to defend* filed by such tenant and *vide* order dated 05.03.2025 has refused to grant any leave.

6. The challenge in the present petition pertains solely to the maintainability of the case under the DRC Act. Since the *leave to defend* has already been denied and the tenant has right to file a revision under Section 25 B(8) of DRC Act, no purpose would be served by considering the same issue here by invoking supervisory jurisdiction, particularly, when equally efficacious remedy is available to the tenant. The issue raised herein can always be raised before the learned Revisional Court as well.

7. The present petition is, accordingly, dismissed along with all pending applications.

8. All rights and contentions of parties are left open.

(MANOJ JAIN)
JUDGE

MARCH 20, 2025/PU/shs