



2025:DHC:7370



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

% ***Date of Decision: 25th, August, 2025***

+ CM(M) 1597/2025 & CM APPL. 52538-52540/2025

SH. GIRISH KAPOOR AND ANRPetitioner

Through: Mr. A.K. Suri, Mr. Ankit Kamal, Ms.
Afsar Bano and Ms. Sumbul Nizam,
Advocates

versus

SH. ROOP KISHORE RASTOGI AND ORSRespondent

Through: Mr. Sonal Sinha, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners were defending an eviction petition filed on the grounds of 14(1)(a) and 14(1)(b) of Delhi Rent Control Act, 1958.
2. The aforesaid eviction petition was decided by the learned Controller on 09.04.2025.
3. If one goes through the aforesaid order, it would become clear that as per learned Rent Controller, the landlord has been able to prove its case with respect to both the grounds.
4. However, the concluding part of the aforesaid judgment was as under:-

“23. In view of the aforesaid discussion and settled proposition of law, this court has come to the conclusion that the petitioner has satisfied all the ingredients of Section 14(1) (a) of D.R.C. Act in Pvt. Office Nos. 22 and 22-A in the property bearing Municipal No. 1681/19, First Floor, Mangal Market, Bhagirath Palace, Chandni Chowk, Delhi-110006, as shown red in the site plan. Hence, eviction petition filed by petitioner against the respondent under section 14 (1) (a) of the DRC Act is allowed. However, petitioner failed to prove his case u/s 14(1) (b) of DRC Act.”



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24. Ahlmad is directed to prepare a separate file for the consideration of benefit under section 14 (2) of Delhi Rent Control Act. Nazir is also directed to file his report on 10.07.2025 regarding compliance of order passed by this court today.

25. Miscellaneous file be prepared for ascertaining the benefits under section 14(2) of the D.R.C. Act.

*26. File be consigned to Record Room after due compliance.”
(emphasis supplied)*

5. The last line of Para-23 of the aforesaid judgment indicates as if the petitioner had failed to prove its case under Section 14 (1)(b) of Delhi Rent Control Act, 1958 whereas the preceding paras i.e. Para No. 12 to Para No. 22 would clearly divulge that the learned Controller was satisfied that the petitioner has been able to prove case of subletting and, therefore, apparently, it was inadvertent typographical error and slip-up, which the learned Trial Court has, eventually, corrected on 14.07.2025, based on an application moved under Section 152 CPC filed by the landlord whereby he was seeking rectification of the aforesaid inadvertent error.

6. Of course, any such application under Section 152 CPC can be disposed of by any such Court, without even issuing any notice if the error is within the realm of typographical one. However, as far as possible, the response of other side should also be taken before adjudicating any such application.

7. Admittedly, in the present matter, learned Trial Court had not issued any notice of the aforesaid application to the tenants but fact remains that even if, the notice had been served and the tenants would have been heard, the result would still have been the same as one line cannot be read in isolation and the entire discussion with respect to subletting appearing in the impugned



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judgment was clearly suggesting that the subletting also stood duly proved.

8. According to learned counsel for petitioners, since petition had been dismissed on the ground of subletting, the landlord, instead of filing an application under Section 152 CPC, should have filed an appeal challenging the aforesaid order. However, such argument does not hold any ground.

9. The error in question is, clearly, falling within the scope of Section 152 CPC and, therefore, this Court does not find any reason, much less a compelling one, to interfere with the impugned order dated 14.07.2025.

10. Present petition is accordingly dismissed.

11. Needless to say, if the petitioners/tenants are aggrieved by the impugned judgment dated 09.04.2025, it will be entirely upto them to challenge the same, in accordance with law.

12. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 25, 2025/dr/js