



2025:DHC:7470



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

% *Date of Decision: 27th, August, 2025*

+ CM(M) 1634/2025 & CM APPL. 53356-53357/2025

MS ANJU

.....Petitioner

Through: Mr. Sunil Malhotra, Ms. Ritika Sharma, Mr. Vaibhav Kumar, Ms. Prachi Dutta and Mr. Jatin Awasthi, Advocates.

versus

SH GURMUKH SINGH SACHDEV

.....Respondent

Through: None.

+ CM(M) 1635/2025 & CM APPL. 53360-53361/2025

ANJU

.....Petitioner

Through: Mr. Sunil Malhotra, Ms. Ritika Sharma, Mr. Vaibhav Kumar, Ms. Prachi Dutta and Mr. Jatin Awasthi, Advocates.

versus

GURMUKH SINGH SACHDEV

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending one eviction petition filed on the ground of *bona fide* requirement i.e. under Section 14(1)(e) of Delhi Rent Control Act, 1958.
2. Needless to say, the procedure applicable for such type of eviction



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petition is summary in nature and Section 25-B of DRC Act is a complete code, in itself, for deciding any such petition.

3. The petitioner i.e. tenant has already filed an application seeking *leave to defend* and when the learned Controller was at the stage of hearing argument on such *leave to defend* application, the tenant filed two different applications.

4. By virtue of one application, she was seeking appointment of Local Commissioner so that such local commissioner can “*visit the other properties of which the landlord has claimed himself to be the owner*” so that Commissioner can then prepare site plans of said properties which would enable the learned Controller to assess actual *bona fide* requirement of landlord.

5. By virtue of another application moved under Order XI Rule 12 and 14 read with Section 151 CPC, tenant was seeking directions to landlord “*to file affidavits and documents*” in terms of the averments made in paragraph Nos. 9 to 13 of their said application, so as, to enable the learned Controller to decide in effective manner the veracity of the averments made by the landlord in his Eviction Petition.

6. The learned Controller *vide* order dated 07.07.2025 has dismissed both the abovesaid applications and such order has been challenged by filing the abovesaid two petitions under Article 227 of the Constitution of India.

7. Mr. Sunil Malhotra, learned counsel for the petitioner/tenant submits that the applications have been declined on a wrong premise.

8. It is submitted that, merely, relying on Rule 23 of *Delhi Rent Control Rules 1959*, the request could not have been declined and, therefore, reference to *Prithipal Singh vs. Satpal Singh: (2010) 2 SCC 15* was unwarranted. He



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also strongly relies upon *M/s. Punjab Stainless Steel House & Anr. vs. Smt. Sangeeta Kedia: 2014: DHC: 4288*.

9. Undoubtedly, herein, there is no aspect involving submission of any “*subsequent event*” and all the factual aspects have already been amply clarified by the tenant when she filed application seeking *leave to defend* and, therefore, no real advantage can be dug out from *Punjab Stainless (supra)*.

10. The endeavour of the tenant seems to travel beyond the scope of the limited jurisdiction which the Controller is required to exercise while deciding any such application seeking *leave to defend*. A tenant cannot seek appointment of a local commissioner at such initial juncture as even otherwise, by virtue of such request, tenant seems to be trying to use the Court as a tool for “*collection of evidence*”.

11. At such threshold stage, learned controller is required to, strictly, confine itself within the given summary procedure and there is, actually speaking, no real requirement of appointing any local commissioner with the direction to go to the other properties available with the landlord and to prepare site plans thereof.

12. The details with respect to the other properties, which the landlord is alleged to possess have already been disclosed by the tenant in her application seeking *leave to defend* and if such kind of request seeking appointment of Local Commissioner is entertained, it would, manifestly, frustrate the very purpose and objective with which Section 25-B was introduced in Delhi Rent Control Act, 1958. The objective is to achieve immediate and efficient disposal of a petition where the eviction is sought on the ground of *bona fide* requirement. Merely, because the draftsman of the tenant was, allegedly, stopped from inspection would not mean that the Court would expand the



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scope of summary procedure, converting into a regular petition.

13. The other application under Order XI Rule 12 & 14 CPC is also misconceived.

14. According to tenant, the petitioner and his family members are in Bangkok and Thailand and are running several businesses therein and in the abovesaid factual backdrop, the tenant seeks a direction to the landlord to submit affidavits and documents with respect to his such businesses.

15. This again is beyond the scope of summary procedure.

16. Undoubtedly, in a given scenario, the Court may permit incorporation of any subsequent event, irrespective of Rule 23 of *DRC, Rules 1959*, but that does not mean that every provision available in CPC would stand attracted.

17. The learned Controller, after appropriately appreciating the objective behind incorporation of Section 25-B DRC Act, 1958, has declined the abovesaid two applications and finding no illegality and impropriety in the impugned order, the present petition is dismissed.

18. The present petition is dispose of in aforesaid terms.

19. The pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 27, 2025/ss/shs