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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 01.09.2026**# **CNR No. DLHC010274472025**+ **RC.REV. 150/2025****ASHOK KUMAR SHARMA**

.....Petitioner

Through: **Mr. Ankit Gupta and Mr. Rajat Jain, Advs.**

versus

JOGINDER SINGH

.....Respondent

Through: **Mr. Ashok Chhaparia, Adv.****CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**

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JUDGEMENT (Oral)

1. The present Rent Control Revision Petition, under Section 25-B (8) of **the Delhi Rent Control Act, 1958¹**, seeks the setting aside of the **Order dated 13.11.2024²** passed by the **learned Additional Rent Controller-02, Central, Tis Hazari Courts, New Delhi³**, in Eviction Petition being RC ARC No.43/2021, whereby the leave to defend application preferred by the Respondent herein has been allowed.

2. Learned counsel for the Petitioner seeks to challenge the Impugned Order on the ground that the Respondent has expressly admitted to being a co-owner of the tenanted premises, which unequivocally supports the Petitioner's case for eviction and therefore, there being no triable issue, the learned ARC has erroneously allowed

¹ DRC Act

² Impugned Order

³ ARC



the Application seeking leave to defend filed by the Respondent.

3. It is further submitted that the Respondent has not been able to put forth any alternate suitable accommodation that is available with the Petitioner or to raise any other triable issue and therefore, the grant of leave to defend is erroneous.

4. Learned counsel for the Petitioner limits his challenge to the aforementioned two grounds.

5. ***Per Contra***, learned counsel for the Respondent submits that the learned ARC has considered all the necessary issues and the issues sought to be raised in the present Revision Petition were also raised before the learned ARC and the same were considered; therefore, in the limited jurisdiction exercisable by this Court, there arises no scope of interference with the Impugned Order.

ANALYSIS:

6. This Court has heard the learned counsel for the petitioner and, with her able assistance, perused the material available on record.

7. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the proviso to Section 25B(8) of the DRC Act.

8. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***⁴, ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***⁵, and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***⁶, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory

⁴(1998) 8 SCC 119

⁵(2014) 9 SCC 78



and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

9. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in ***Pankaj Pahwa v. Prem Wati & Ors.***⁷, and ***Sanjeev Hiranandani v. Sunny Grover***⁸.

10. In ***Abid-Ul-Islam***(supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25B of the DRC Act, observed that the omission of an appellate remedy against an Order passed by the learned Rent Controller is conscious and deliberate. The jurisdiction conferred upon the High Court is, therefore, one of superintendence over the decision-making process, including the legality and propriety thereof, and does not permit the High Court to substitute its own view for that of the learned Rent Controller merely because another view on the material available on record may be possible. The relevant observations of the Hon'ble Supreme Court read as under:

“23. The proviso to Section 25-B(8) gives the High Court exclusive power of revision against an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance. Thus, the High Court is not expected to substitute and supplant its views with that of the trial court by exercising the appellate jurisdiction. Its role is to satisfy itself on the process adopted. The scope of interference by the High Court is very restrictive and except in cases where there is an error apparent on the face of the record, which would only mean that in the absence of any adjudication per se, the High Court should not venture to disturb such a decision. There is no need for holding a roving inquiry in such matters which would otherwise amount to converting the power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature.”

⁶(2022) 6 SCC 30

⁷2024:DHC:9322

⁸ 2025:DHC:11285



11. In ***Pankaj Pahwa*** (supra), a Coordinate Bench of this Court, upon considering the principles enunciated in ***Abid-Ul-Islam*** (supra), reiterated that the jurisdiction exercised by this Court under the proviso to Section 25B(8) of the DRC Act is limited in scope and that this Court is not expected to substitute or supplant its view for that of the learned ARC. The revisional scrutiny is confined to examining the decision-making process and determining whether the Impugned Order suffers from an error apparent on the face of the record or an absence of adjudication warranting interference.

12. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25B(8) of the DRC Act, this Court is neither required nor permitted to undertake a fresh appreciation of the material on record with a view to arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Order suffers from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC is wholly unreasonable or founded upon an erroneous premise of law. Equally, where a material plea has been left unconsidered or the decision-making process otherwise discloses an error apparent on the face of the record, exercise of revisional jurisdiction may be warranted.

13. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged on behalf of the Petitioner against the Impugned Order are required to be examined.

14. At this juncture, this Court deems it apposite to reproduce herein the findings rendered by the learned ARC in the Impugned



Order, which reads as under:

“14. It is important to note here that petitioner completely evaded explaining as to who Sh. Nathu Ram and then the petitioner became the absolute owner of the suit property. No doubt, petitioner being one of the co-owners can seek eviction and he need not be absolute owner but then why did petitioner alleged in the petition to be absolute owner of the property. Petitioner is certainly bad for concealment and misrepresentation.

15. It is further stated by the respondent that the petitioner has deliberately concealed from court that he has filed a suit for declaration and permanent injunction, titled as Ashok Kumar vs. Sh. Kailash Chand & Ors. Being CS DJ 443/2017, which is pending adjudication. In the said suit it has been mentioned that the property No. 1780, Kucha Lattoo Shah, Dariba Kalan, Chandni Chowk, Delhi-110006 was purchased by the father of the petitioner out his own savings as well as loan borrowed by him from his employer. Though it has been admitted in the suit that the property was purchased jointly in the name of Nathu Ram and his younger brothers, Kailash Chans Sharma, Bihari lal Sharma, and Munna Lal Sharma, it has further been stated in the said suit that Nathu Ram settled the shares of himself and his brothers by metes and bounds on 02.04.1999. It has further been stated that a Will dated 02.04.1999 was also executed by Nathu Ram on the same day, in favor of his four sons Ashok Kumar (petitioner herein), Vijay Sharma, Shiv Kumar Sharma and Dharamvir Sharma. It has further been stated that Joginder Singh became tenant in the shop in question in place of Sh. Jagdish Singh, in the later stage which is contrary to what has been pleaded in the present petition. The plaintiff, petitioner herein has therefore prayed for a decree of declaration in his favor along with his brothers. The defendant No. 2 (Behari Lal Sharma) and defendant no. 3 (Munna Lal Sharma) have filed their joint written statement in which they have denied that the property was purchased by Nathu Ram. It has been stated that the property was purchased by Late Umrao Singh from his savings in the name of Nathu Ram, Kailash Chand Sharma, Behari Lal Sharma and Munna Lal Sharma. It has been stated that after death of Nathu Ram the rent for the shop in question is being collected by Behari Lal Sharma. The said defendants have denied the Settlement dated 02.04.1999 and also the Will dated 02.04.1999. It has been specifically stated that shops in the front side neither belong to the plaintiff (Petitioner herein) nor are in possession of any one including the plaintiff (petitioner) and the defendants except defendant no. 2 (Behari Lal Sharma). That following issues have been framed in the said case on 07.08.2018: (i) whether the property no. 1780 was purchased by Umrao Singh? (ii) whether the property was partitioned between Nathu Ram and



his three brothers by metes on 02.04.1999?. (iii) The issue whether the plaintiff is entitled to decree of declaration as prayed for? It is submitted by respondent that till the said issues are decided in favor of the plaintiff, the plaintiff can not claim himself to be the absolute owner of the shop in question, subject matter of the present petition.

16. In reply by the petitioner, it is averred that petitioner has not concealed any fact and subject shop is bonafidely required by him to run a business of goldsmith. That the issues of other cases are not required to be decided first in view of the facts that the respondent/tenant have admitted the right of the petitioner in the subject shop admitting that late Sh. Nathu Ram Sharma was the purchaser of the property in auction proceedings held by Government of Delhi in December 1964 and not in 1946 and petitioner is the son of Sh. Nathu Ram Sharma and therefore petitioner is the co-owner of the subject property. That petitioner is not required to be absolute owner of the property for the purpose of eviction petition as per law of the land.

17. Here, it would be again pertinent to note that petitioner has not denied any of these facts averred by the respondent regarding the civil suit filed by the petitioner seeking declaration of title. Clearly all these facts have been concealed by the petitioner due to which now the petitioner cannot claim to have come to the court with clean hand.

18. All in all the petitioner has failed to disclose all the necessary ingredients required for eviction order under section 14 (1) (c) DRC Act. Thus, in the considered opinion of this court, there are triable issues in the present petition which shall be established by evidence during trial."

15. Having considered the rival submissions and the findings returned by the learned ARC, this Court is of the view that no ground for interference with the Impugned Order is made out. The principal contention of the Petitioner is that the Respondent has admitted the Petitioner to be a co-owner of the subject premises and, therefore, no triable issue survives. The said submission, however, proceeds on a selective reading of the pleadings and the material placed before the learned ARC.

16. There can be no quarrel with the proposition that a co-owner of a tenanted premises is competent to maintain an eviction petition and



is not necessarily required to establish an absolute or exclusive title over the property. However, the said proposition does not imply that every dispute pertaining to the Petitioner's asserted status, particularly where such status is itself placed in issue on the basis of the Petitioner's own pleadings and pending civil proceedings, is incapable of constituting a triable issue. The question before this Court is not whether a co-owner, in law, can maintain an eviction petition, but whether, in the peculiar facts of the present case, the learned ARC was justified in finding that the Respondent had raised issues requiring adjudication by way of evidence.

17. In the present case, the learned ARC has specifically taken note of the fact that the Petitioner has instituted a civil suit seeking declaration of title in respect of the very property in question. The pleadings in the said proceedings, as noticed in the Impugned Order, disclose that the Petitioner has himself asserted a particular chain of title, including the alleged purchase of the property by his father, the alleged settlement by metes and bounds, as well as the execution of a Will in favour of the Petitioner and his brothers. Significantly, the said assertions have been specifically disputed by the other co-defendants in the civil suit, who have asserted a different source of title and have also disputed the alleged settlement and Will.

18. The aforesaid circumstances cannot be brushed aside merely on the premise that the Respondent has, at some stage, admitted the Petitioner's status as a co-owner. The alleged admission, read in the context of the complete pleadings and the pending civil proceedings, does not render the controversy as to the Petitioner's precise right, share and entitlement over the subject premises wholly academic. More importantly, the Petitioner himself has approached the civil



court seeking a declaration in respect of his title and entitlement. The learned ARC was, therefore, justified in taking note of the inconsistency between the Petitioner's assertion of absolute ownership in the eviction proceedings and the stand taken by him in the pending civil proceedings.

19. The submission of the learned counsel for the Petitioner that a landlord need not be an absolute owner, though correct as a general proposition, does not answer the specific finding returned by the learned ARC. The Impugned Order does not proceed merely on the premise that the Petitioner is required to establish absolute ownership. Rather, the learned ARC has found that the Petitioner failed to disclose material facts concerning the pending civil proceedings and the nature of the dispute relating to title and entitlement over the subject premises. The existence and relevance of those proceedings, particularly when they emanate from the Petitioner himself, constitute matters which cannot be said to be wholly irrelevant at the stage of considering an application for leave to defend.

20. It is also material to note that the learned ARC has not finally adjudicated upon the respective rights of the parties. The Impugned Order merely holds that the Respondent has disclosed facts which warrant an opportunity to defend the eviction proceedings. At the stage of leave to defend, the Court is not required to conduct a mini-trial or conclusively determine the competing claims of title. Where the defence raises issues which, if established by evidence, may have a bearing upon the landlord's entitlement to seek eviction, the grant of leave to defend cannot be characterised as perverse merely because the landlord disputes the tenability of such defence.

21. The attempt of the Petitioner, in substance, is to invite this



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Court to re-assess the pleadings and material considered by the learned ARC and to substitute its own assessment as to whether the Respondent has raised a triable issue. Such an exercise would, however, amount to appellate re-appreciation of the material on record, which is impermissible while exercising jurisdiction under the proviso to Section 25B(8) of the DRC Act. As noticed hereinabove, the jurisdiction of this Court is supervisory and is intended to examine the legality and propriety of the decision-making process, and not to undertake a fresh adjudication on merits.

22. In the present case, the learned ARC has considered the rival pleadings, taken note of the pending civil proceedings, noticed the assertions made therein by the Petitioner himself, and thereafter arrived at the conclusion that the Respondent has raised triable issues which would require adjudication by way of evidence. The reasoning adopted by the learned ARC cannot be said to be so unreasonable, perverse or legally untenable as would warrant interference in revisional jurisdiction.

23. The reliance placed by the Petitioner on the alleged admission of co-ownership also cannot, at this stage, be elevated into a conclusive determination of the Petitioner's entitlement to eviction, particularly when the surrounding circumstances disclose a subsisting dispute regarding the Petitioner's title and entitlement and the Petitioner himself has sought declaratory relief before the competent civil court. Whether the Petitioner is ultimately able to establish the requisite ingredients for an eviction order is a matter to be adjudicated in the proceedings after the Respondent is afforded an opportunity to defend.

24. It is reiterated that the grant of leave to defend does not amount



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to an adjudication in favour of the Respondent on the disputed questions. It merely recognises that the defence raised is not sham, moonshine or wholly irrelevant and that the controversy warrants adjudication in accordance with law. The learned ARC having exercised its discretion upon consideration of the material placed before it, no jurisdictional error, manifest illegality, material irregularity or perversity has been demonstrated by the Petitioner.

25. In view of the foregoing discussion, this Court finds no infirmity in the Impugned Order warranting exercise of the revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act.

26. The present Revision Petition is, accordingly, dismissed. Needless to state, nothing contained herein shall be construed as an expression of opinion on the merits of the rival claims of the parties, which shall be adjudicated by the learned ARC in accordance with law.

27. The present Petition, along with pending Application(s), if any, stands disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 1, 2026/rk/va