



2026:DHC:8684



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 01.10.2026**# **CNR No. DLHC010476302026**

+ RC.REV. 377/2026, CM APPL. 68442/2026 (Stay), CM APPL. 68443/2026 (Exm.), CM APPL. 68444/2026 (Permission to file lengthy Synopsis and list of dates) & CM APPL. 68445/2026- (Delay of 151 days in re-filing)

ATTAR SINGH (DECEASED) THROUGH LR

.....Petitioner

Through: Mr. Naman Sherstra, Mr. Sanjib Dutta and Mr. Chirantan Saha, Advs.

versus

SHEELA DEVI (DECEASED) THROUGH LRS

.....Respondent

Through: *Nemo.***CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR****JUDGEMENT (Oral)**

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1. The present Petition, filed under Section 25 (B) 8 of the **Delhi Rent Control Act, 1958**¹, challenges the **Order dated 03.02.2026**², passed by the **learned ACJ/CCJ/ARC, New Delhi, Patiala House Courts, Delhi**³, in **Eviction Petition bearing no. RC ARC 5/2016**⁴, titled as *Sheela Devi & Ors v. Attar Singh*, wherein the application

¹ DRC Act

² Impugned Order

³ learned ARC

⁴ Eviction Petition



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seeking leave to defend, filed by the Petitioner herein, came to be dismissed on the ground that the same was filed belatedly.

2. Learned counsel appearing on behalf of the Petitioner submits that the Impugned Order is *ex facie* erroneous, since the Application seeking condonation of delay in filing the Application seeking leave to defend was rejected by the learned ARC without due consideration, whereafter the Impugned Order directing the Petitioner to vacate the Subject Premises came to be passed.

3. He submits that the Petitioner, in his Application seeking leave to defend, has raised several triable issues which warranted consideration by the learned ARC. He submits that the learned ARC, while rejecting the said Application, has failed to duly consider the said issues and the material placed on record by the Petitioner.

4. He, therefore, submits that the Impugned Order, having been passed without due consideration of the issues raised by the Petitioner and the material placed on record, warrants interference by this Court in exercise of its revisional jurisdiction.

5. This Court has heard learned counsel for the Petitioner and, with his able assistance, has perused the material on record, including the Impugned Order.

6. 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.

7. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance***



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*Co. Ltd.*⁵, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁶, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁷, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

8. 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.*⁸, and *Sanjeev Hiranandani v. Sunny Grover*⁹.

9. In *Abid-Ul-Islam* (supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25(B) 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

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



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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.”

10. 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.

11. 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



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jurisdiction may be warranted.

12. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged by the learned counsel on behalf of the Petitioners against the Impugned Order are required to be examined.

13. The principal issue arising for consideration in the present Petition pertains to the rejection of the Application seeking condonation of delay in filing the Application seeking leave to defend, which consequently resulted in the rejection of the Application seeking leave to defend and, thereafter, the passing of the Impugned Order.

14. In this backdrop, before examining the correctness of the conclusion arrived at by the learned ARC, it would be apposite to first notice the circumstances in which the Application seeking leave to defend came to be filed and the explanation furnished by the Petitioner in support of the Application seeking condonation of delay. The contents of the Application seeking condonation of delay are extracted herein below:

“Application on behalf of the deponent under section 5 of limitation act.

MOST RESPECTFULLY SHOWETH:

1. That the petition under section 14(1)(e) read with section 25 B of DRC is pending before this hon'ble court and fixed for I 30.11.2023.

2. That in the present eviction petition there were so many complications and confusions as firstly the petitioner filed the petition against the dead person and the leave to defend filed by the previous counsel is not on record while as the case was being fixed for so many dates for arguments and thereafter for orders and the deponent changed the counsel in the month of February 2019 and the counsel raised the issued of maintainability of the petition filed by the petitioner against the dead person and the application under order 22 rule 4 read with section 151 CPC moved by the petitioner decided on 13.03.2023 in which the hon'ble court was pleased to pass the order on the application order 22 rule 4 cpc read with order 1 rule 10 cpc which were stands allowed and petitioner was

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directed to file the amended memo within two weeks with advance copy to opposite side i.e. on or before 27.03.23 it is submitted that no advance copy of the amended memo has been supplied by the petitioner till date and thereafter the deponent has to file the leave to defend application within stipulated period with advance copy to the opposite side/ petitioner.

3. That on 31.05.23 the Ahalmad was directed to report whether the leave to defend was filed or not. It is pertinent to mention here that there after the deponent as well as the counsel for the deponent enquired from the previous counsel about the leave to defend filed by the deponent or not who told to the deponent that he has filed the leave to defend in all the four cases which might has been tagged with other file and then the deponent for the copy of leave to defend and the previous counsel namely Sh Karan Singh Tanwar that it is the old case and the file has already been destroyed and more over the petitioner has not supplied the advance copy of the amended memo till date intentionally, knowingly, deliberately just to take the benefits of technicalities which is being taken by the petitioner since the date of filing the suit and the same was brought in the knowledge of this hon'ble court on 01.08.2023 and this hon'ble court has granted the deponent to file the same with appropriate application.

4. That there is no delay in filing the leave to defend within the stipulated period but despite this the present application has been filed under the above said facts and circumstances

It is therefore most respectfully prayed that the delay in filing the application for leave to defend it any may kindly be condoned. In the interest of justice prayed accordingly.”

15. The record indicates that the summons was directed to be issued to the Petitioner herein, Attar Singh, *vide* Order dated 01.02.2016. Subsequently, on 31.08.2017, it came to the notice of the learned ARC that the said Petitioner had already expired on 15.04.2015. Thereafter, *vide* Order dated 13.03.2023, the legal representatives of the deceased Petitioner were impleaded and were directed to file the Application seeking leave to defend within the stipulated period.

16. The stipulated period of 15 days, therefore, commenced on 14.03.2023 and expired on 28.03.2023. However, no Application seeking leave to defend was filed within the said period. The position was subsequently confirmed by the report of the Ahlmad recorded on

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31.05.2023, which stated that no Application seeking leave to defend had been filed in the present proceedings.

17. Thereafter, on 01.08.2023, learned counsel appearing for the legal representatives sought permission to file the Application seeking leave to defend. The said request was opposed by the Respondent herein. The learned ARC, however, directed that the aspect of delay would be considered upon filing of the Application. The Application seeking leave to defend was eventually filed on 30.11.2023.

18. Thus, reckoned from the expiry of the prescribed period on 28.03.2023, the Application seeking leave to defend came to be filed after a delay of 246 days.

19. It is in the aforesaid backdrop that the Petitioner filed the Application under Section 5 of the Limitation Act, 1963, seeking condonation of the aforesaid delay. The explanation furnished therein was, essentially, that the proceedings had been attended by certain procedural complications. The Petitioner stated that the eviction petition had initially been instituted against a deceased person and that an earlier Application seeking leave to defend, stated to have been filed through the erstwhile counsel, was not available on the record.

20. It was further stated that the Petitioner had changed his counsel in February, 2019 and that the issue concerning the maintainability of the proceedings on account of the death of the original Petitioner had thereafter been raised.

21. The Petitioner further referred to the Order dated 13.03.2023 whereby the legal representatives were impleaded, and the Respondent was directed to file an amended memo of parties within two weeks with an advance copy to the opposite side.



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22. The specific case of the Petitioner was that no advance copy of the amended memo of parties had thereafter been supplied to him. It was also stated that, upon the Ahlmad being directed to report on 31.05.2023 regarding the filing of the Application seeking leave to defend, enquiries were made from the erstwhile counsel, who informed him that the Application had already been filed in all four matters and may have been tagged with another file. The erstwhile counsel subsequently informed the Petitioner that the matter was an old case and that the file had been destroyed.

23. The Petitioner accordingly pleaded that there was, in fact, no intentional delay on his part and that, if any delay was found to have occurred, the same was liable to be condoned in view of the circumstances set out in the Application. The Petitioner also asserted that the entire position had been brought to the notice of the learned ARC on 01.08.2023, whereafter he was permitted to file the Application seeking leave to defend along with an appropriate Application.

24. It would, therefore, be apposite to examine whether the aforesaid explanation furnished by the Petitioner constituted sufficient cause for condonation of the delay and, consequently, whether the learned ARC was justified in declining to condone the same. Therefore, the relevant findings of the learned ARC in the Impugned Order are reproduced hereinbelow:

“5. Perusal of record shows that the summons under the Third Schedule were directed to be issued vide order dated 01.02.2016 to the respondent Attar Singh. However, subsequently, it came to the notice of the Court on 31.08.2017 that the respondent Attar Singh had expired on 15.04.2015. Thereafter, vide order dated 13.03.2023, LRs of the respondent were impleaded and it was



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directed that leave to defend application, if any, be filed within the stipulated period by the said LR.

6. The stipulated period of 15 days from 13.03.2023 would start from 14.03.2023 and the 15th day would be 28.03.2023. However, no leave to defend application was filed till 31.05.2023 and therefore, Ahlmad was directed to report if any leave to defend application had been filed previously. **Accordingly, it was reported by the Ahlmad on the order-sheet dated 31.05.2023 that no leave to defend application has been filed in the present case.**

7. Subsequently, on 01.08.2023, counsel for the said LR of the respondent sought time to file leave to defend application which was opposed by petitioner. **It was held that the aspect of delay would be considered once the application is filed.**

8. Subsequently on 30.11.2023, the application for leave to defend was filed on behalf of the said LR. While the matter was pending for considering the aspect of delay, petitioner no.1 demised and petitioner no.2 and 3 were substituted on his behalf vide order dated 15.11.2025.

9. Thus, in the present case, it is not in dispute that the leave to defend application was filed beyond the period of 15 days. In the landmark case of **Prithipal Singh Vs. Satpal Singh (2010) 2 SCC 15**, the Hon'ble Apex Court observed that the statutory period of 15 days for filing of leave to defend application is inflexible. **Hence, no extension can be granted. Therefore, no purpose would be served by grant of an adjournment as the delay in filing the leave to defend application cannot be condoned by this Court.** Moreover, the present matter pertains to the year 2016 and despite being governed by summary procedure u/s 25B of the DRC Act, **10 years have already lapsed. Hence, request for adjournment stands declined.**

10. Briefly stated, it is the case of the petitioners that plot/property bearing no. WZ-572-D(Old No. C-95) out of Khasra No. 1673/2, Village Naraina, New Delhi (hereinafter referred to as **subject premises**) is owned by the petitioners and respondent was inducted as a tenant by late Sh. Ran Singh (husband of petitioner no.1 and father of petitioner no.2 and 3) with respect to the room with common latrine and bathroom in plot/property bearing no. WZ-572-D(Old No. C-95) out of Khasra No. 1673/2, Village Naraina, New Delhi (hereinafter referred to as **tenanted premises**) and more specifically, as shown in **red color** in the site plan. It is stated that the relationship of landlordtenant is not in dispute since previously, petition u/s 14(1)(a) of the DRC Act had been allowed but respondent had been granted benefit u/s 14(2) of the DRC Act vide order dated 31.10.2013. It is stated that the tenanted premises is required for the bona fide requirement of children of petitioner no.2 as her elder daughter requires at least two rooms for running coaching institute and three rooms for her residence.



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It is also stated that petitioner no.2 also requires the tenanted premises to settle his elder son for running of business of printing. Further, it is pleaded that the petitioner no.3 also requires the tenanted premises for her daughters for establishing business of ready-made garments/boutique and at least five rooms are required for making of workshop, godown/store and office and also rooms for residence since the daughters are of marriageable age. It is also pleaded that the petitioner no.3 also needs tenanted premises for his eldest son for starting a business of tours and travels and for the said purpose, at least two rooms are required. Further, it is also pleaded that petitioner no.1 also is suffering from various old-age ailments and also require one room so that she may use the nearby DDA Park. It is stated that apart from the aforesaid premises, petitioners are having residential accommodation at WZ-415A, Naraina Village, New Delhi-110028 however, the same cannot be used for the bona fide need in view of the requirements of the petitioners. *Hence, it is pleaded that eviction order may be passed against the respondent in view of the bona fide need of the petitioners since no other suitable accommodation is available with the petitioners.*

11. Along with the eviction petition, petitioners have filed site plan and copy of land record.

12. No grounds for contesting the eviction petition has been sought within 15 days from the order of impleadment of the LRs i.e. 13.03.2023.

13. Section 25-B (4) of the Delhi Rent Control Act provides that the tenant shall not contest the prayer for eviction unless they file an affidavit stating the ground on which they seek to contest the application for eviction and obtains leave from the controller. Such leave for contesting has to be sought within 15 days from service of summons. Since such leave has not been sought within 15 days, the assertions made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the petitioner shall be entitled for an order for eviction on the said ground.

14. Hence, in the present case, the respondent is deemed to have admitted the relationship of landlord and tenant between the parties. Further, it is also deemed to have admitted that the petitioners require the tenanted premises for their bonafide need as mentioned above and that no other reasonably suitable accommodation is available to the petitioners in this regard. Allegations raised in the the leave to defend application being time barred cannot be considered. It is also well settled law that a landlord is the best judge of his requirement and whether or not the tenanted premises is adequate for running of the business of the petitioner, is not for the tenant or even the court to decide. In this regard the ratio of the Hon'ble High Court of Delhi in the case of



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Tarun Kumar Vs. Parmanand Garg in RC. Rev. No. 56/2018 decided on 09.11.2023, is to be noted where it was held as under :-

"52. The Hon'ble Supreme Court as well as this Court has repeatedly held that the Courts are not to sit in the armchair of the landlord and dictate as to how the available property of the landlord is to be best utilized by him. The landlord is the absolute owner of his property and the best person to decide which property is to be utilized in what way is the landlord himself. In addition, the respondent also cannot dictate as to how the landlord is to utilize his property. "

15. Further, in the case titled as **Ragavendra Kumar Vs. Firm Prem Machinery 2000 SC 534**, it was observed as under:-

"It is settled position of law that the landlord is best judge of his requirement for residential or business purpose and he has got complete freedom in the matter, (See: Prativa Devi (Smt.) v. T.K Krishnan, [1996] 5 SCC 353. In the case in hand the plaintiff/landlord wanted eviction of the tenant from the suit premises for starting his business as it was suitable and it cannot be faulted."

16. As far as the contention with respect to the multiple requirements stated by the petitioners is concerned, it is not for the Court or the tenant to adjudge the suitability or adequacy of the premises. Moreover, in the case of **Dr. Jitendra Mohan Gulati vs. Hira Lal Singh, 2019 (2015) DLT 489**, it has been held by Hon'ble High Court of Delhi that merely because landlord has multiple requirements of the tenanted premises, his eviction petition cannot be dismissed on the ground of vagueness or that he is confused about his requirement. It will be for the landlord to use the same for more pressing requirements and the Court cannot dictate the same.

17. Therefore, the eviction petition u/s 14 (1) (e) of Delhi Rent Control Act is allowed and an eviction order is passed u/s 14 (1) (e) r/w Section 25-B of Delhi Rent Control Act in favour of the petitioner and against the respondents in respect of **tenanted premises** i.e. one room with common latrine and bathroom in plot/property bearing no. WZ-572-D (Old No. C-95) out of Khasra No. 1673/2, Village Naraina, New Delhi and more specifically shown in **red colour** in the site plan filed with the eviction petition. It is made clear that the petitioner shall not be entitled to get the eviction order executed before the expiry of six months running from today".

25. A perusal of the Impugned Order indicates that the learned ARC has considered the explanation furnished by the Petitioner in the backdrop of the peculiar procedural history of the proceedings. The



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learned ARC has taken note of the Order dated 13.03.2023, whereby the legal representatives of the deceased Respondent were impleaded and granted the stipulated period of 15 days to file the Application seeking leave to defend, as also the fact that no such Application was filed within the prescribed period, which was subsequently confirmed by the report of the Ahlmad dated 31.05.2023.

26. The learned ARC has further noticed the request made on 01.08.2023 for filing the Application seeking leave to defend and the eventual filing thereof on 30.11.2023.

27. Having independently considered the explanation furnished by the Petitioner, this Court is also unable to discern sufficient cause warranting condonation of the delay. The explanation furnished does not satisfactorily account for the entire period between 28.03.2023, when the prescribed period expired, and 30.11.2023, when the Application seeking leave to defend was ultimately filed. The circumstances relied upon by the Petitioner, therefore, do not disclose any such sufficient cause as would warrant interference with the conclusion of the learned ARC.

28. Once the delay in filing the Application seeking leave to defend was not condoned, the consequential rejection of the said Application cannot be viewed in isolation. The Application having been filed beyond the prescribed period and the delay therein having not been condoned, the learned ARC was justified in proceeding in accordance with the statutory scheme governing proceedings under Section 25-B of the DRC Act.

29. Further, this Court is also unable to accept the submission that the Impugned Order was passed mechanically or without application



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of judicial mind. The findings returned by the learned ARC demonstrate that the relevant chronology, the explanation furnished by the Petitioner and the circumstances surrounding the filing of the Application seeking leave to defend were duly considered before the Application seeking condonation of delay came to be rejected.

30. Significantly, this Court, while exercising jurisdiction under the *proviso* to Section 25-B(8) of the DRC Act, is not sitting in appeal over the discretion exercised by the learned ARC. The question is not whether this Court may, on the same material, have adopted a more liberal approach towards the explanation furnished by the Petitioner. The enquiry is confined to whether the decision-making process adopted by the learned ARC suffers from a jurisdictional error, material irregularity, perversity or any other infirmity warranting interference in the limited revisional jurisdiction vested in this Court.

31. In the present case, the learned ARC has considered the explanation furnished by the Petitioner, examined the circumstances in which the Application seeking leave to defend came to be filed beyond the prescribed period and thereafter arrived at a conclusion on the Application seeking condonation of delay. The consequential rejection of the Application seeking leave to defend is, therefore, not an independent or unreasoned conclusion, but flows from the rejection of the Application seeking condonation of delay.

32. Accordingly, this Court, having independently considered the contents of the Application seeking condonation of delay and the chronology of the proceedings, also finds no sufficient cause warranting condonation of the delay of 246 days.

33. Consequently, the challenge raised by the Petitioner to the



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rejection of the Application seeking condonation of delay, and the consequential rejection of the Application seeking leave to defend, does not disclose any ground warranting interference by this Court in exercise of its limited revisional jurisdiction under the *proviso* to Section 25-B(8) of the DRC Act.

34. In view thereof, the present Petition along with pending Application (s), if any, stands dismissed.

HARISH VAIDYANATHAN SHANKAR, J
OCTOBER 1, 2026/rk/jk

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