



\$~46

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

Date of decision: 03.08.2026

CNR No. DLHC011096492025

+ **RC.REV. 45/2026**

SH SUNIL KUMAR ALIAS CHANDAPetitioner

Through: **Mr. Sanjeev Tyagi, Advocate.**

versus

SH AFZAL ELAHI & ANR.Respondents

Through: *Nemo*

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **JUDGMENT (Oral)**

CM APPL. 50286/2026 (Preponement of the date of hearing)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

RC.REV. 45/2026

3. The present Petition has been filed under Section 25(B) of the Delhi Rent Control Act, 1958 [**“DRC Act”**], assailing the Order dated 20.09.2025 [**“Impugned Order”**] passed by the learned SCJ-Cum-RC, District Central, Tis Hazari Courts, Delhi [**“learned ARC”**] in RC ARC No. 511/2024, titled as *“Afzal Elahi & Anr. vs. Sunil Kumar @ Chanda”*
4. Learned counsel appearing on behalf of the Petitioner has



confined his challenge to two principal grounds, which are considered hereinbelow.

5. Learned counsel for the Petitioner firstly submits that, although the execution of the Sale Deed executed on 16.05.2019 is not disputed, the said Sale Deed itself is void *ab initio*, as the vendor was merely one of the co-owners and did not possess the absolute right to sell the entire Suit Property.

6. Learned counsel for the Petitioner secondly contends that the Respondents have filed an incorrect site plan. He submits that the site plan fails to disclose the existence of two bedrooms constructed on the terrace floor.

7. It is, therefore, submitted that these aforesaid infirmities render the Impugned Order erroneous and liable to be set aside.

8. This Court has heard the learned counsel appearing on behalf of the Petitioner and also had the occasion to go through the Impugned Order herein.

9. 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.

10. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*¹, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*², and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*³, has consistently held that the jurisdiction exercised by the High Court

¹(1998) 8 SCC 119

²(2014) 9 SCC 78



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.

11. 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.***⁴, and ***Sanjeev Hiranandani v. Sunny Grover***⁵.

12. 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

³(2022) 6 SCC 30

⁴2024:DHC:9322

⁵ 2025:DHC:11285



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.”

13. 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.

14. 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.

15. It is within the aforesaid limited parameters of revisional jurisdiction that the grounds urged on behalf of the Petitioner against



the Impugned Order are required to be examined.

16. This Court finds no merit in either of the submissions advanced by the learned counsel for the Petitioner. Both the contentions now sought to be urged stand duly considered and answered by the learned ARC in the Impugned Order. Insofar as the challenge to the validity of the Sale Deed is concerned, the learned ARC has dealt with the said contention in paragraphs 16 to 19 of the Impugned Order, which read as under:

“16. It is the case of the respondent that Smt. Afroz Begum, W/o Late Sh. Nasruddin was the landlord/owner of the tenanted premises, who used to receive the rent from the respondent. The petitioners have not supplied the documents of ownership nor given any notice of attornment to the respondent. The petitioners are not the owner/landlord of the property in question and the petitioners have not received any rent from the respondent at any point of time.

17. It is further alleged by the respondent that the Sale Deed executed by Afroz Begum in respect of the whole of the property is illegal and void ab initio because Afroz Begum was not absolute owner of the property bearing No-4804, Phatak Namak, Hauz Qazi, Delhi-10006, i.e. the tenanted property.

18. Accordingly, the fact that respondent is tenant in respect of tenanted premises and Afroz Begum was the landlord is admitted by the respondent. Petitioners claim to have purchased the tenanted premises from said Afroz Begum by way of a registered sale deed. The respondent has not disputed the execution of sale deed however, it is the contention of the respondent that said sale deed is void ab initio as the vendor was only one of the co-owners and was not having absolute right to sell the entire property.

19. Although the respondent has denied the ownership of petitioners however, the fact that petitioners have a registered sale-deed in their favour is not denied. Further the fact that the vendor was landlord with respect to tenanted premises is also not denied. Considering the admitted landlord-tenant relationship, the respondent is estopped from disputing the title of the landlord. It is not for the tenant to dispute the validity of sale deed executed by the landlord/one of the co-owners.”



17. A perusal of the aforesaid findings demonstrates that the learned ARC has, upon considering the pleadings of the parties, recorded a categorical finding that the Petitioner had not disputed either the execution of the registered Sale Deed in favour of the Respondents or the admitted landlord-tenant relationship between the erstwhile owner and the Petitioner. In such circumstances, the learned ARC rightly held that the Petitioner, being a tenant, is estopped from questioning the title of the landlord or the validity of the Sale Deed executed in favour of the Respondents. This Court finds no infirmity in the said reasoning warranting interference in exercise of its revisional jurisdiction under Section 25B(8) of the DRC Act.

18. Equally, the contention regarding the alleged incorrect site plan has also been specifically considered by the learned ARC. The said aspect has been dealt with in paragraphs 36 to 38 of the Impugned Order, which read as follows:

“36. It is further alleged by the respondent that petitioner has filed a wrong and incorrect site plan. The entire first floor and terrace floor are in possession of the respondent being tenant of Afroz Begum. The petitioner is not showing the construction on the terrace floor. The two rooms are existing on the terrace, which has not been shown by the petitioners.

37. In reply to leave to defend, petitioners have contended _that there is no difference in site plan filed by them and that filed by the respondent. They have further admitted the site plan filed by respondent to be correct. Since the site plan filed by respondent is admitted, no dispute remains regarding the same. Further, as argued on behalf of the petitioner, site plan is only to aid identification of property. The present eviction petition is filed in respect of House bearing Municipal No. 4804, First Floor (Right Side) with terrace/roof rights, Phatak Namak, Delhi-110006. Once the premises are described with municipal number, there is no uncertainty as to their identity. Hence, this does not constitute a triable issue .



38. It is the case of the petitioners that the tenanted premises are bonafide required by the petitioners for their bonafide need and as they are not having sufficient accommodation available with them. There is no reason to disbelieve the said averment. Also, if the Petitioners do not occupy the premises within the prescribed period for their bonafide requirement after obtaining its possession from the respondent, the respondent herein has the remedy of getting back the possession of the property under Section 19 of the Delhi Rent Control Act.”

19. From the aforesaid discussion, it is evident that the learned ARC has taken note of the Petitioner's objection regarding the existence of two rooms on the terrace floor and has further recorded that the Respondents themselves admitted the site plan filed by the Petitioner to be correct. Once the identity and description of the tenanted premises stood admitted and there remained no dispute regarding the site plan, the learned ARC rightly concluded that the said objection did not give rise to any triable issue.

20. It is well settled that while exercising jurisdiction under Section 25B(8) of the DRC Act, this Court does not sit as an appellate court to re-appreciate the evidence or substitute its own view merely because another view may also be possible. Interference is warranted only where the findings suffer from jurisdictional error, patent illegality or material irregularity. No such infirmity is demonstrated in the present case.

21. Having considered the submissions advanced on behalf of the Petitioner as well as the findings returned by the learned ARC, this Court is of the considered opinion that the Impugned Order neither suffers from any perversity nor discloses any jurisdictional error warranting interference under the revisional jurisdiction of this Court.



22. Accordingly, the present Petition stands dismissed in the above terms.
23. The present Petition, along with all pending application(s), if any, stands disposed of.
24. The next date of hearing i.e., 15.09.2026 stands cancelled.

HARISH VAIDYANATHAN SHANKAR, J.

AUGUST 03, 2026/vs/va