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

Date of decision: 03.11.2026

\# **CNR No. DLHC010065592023**

\+ RC.REV. 60/2023, CM APPL. 9633/2023 (U/O XLI Rule 5), CM APPL. 16315/2023 (Additional grounds), CM APPL. 18590/2023 (To plead additional facts), CM APPL. 16207/2025 (Dir.), CM APPL. 16208/2025 (Ex. From filing certified copy of the annexure), CM APPL. 57680/2025 (Dir.) and CM APPL. 57681/2025 (Ex. From filing certified copy of the annexure)

SATISH KUMAR .....Petitioner

Through: Mr. Satyam Thareja, Ms. Ashu Jain and Mr. Vishwas Chawla, Advocates.

versus

VEENA TYAGI .....Respondent

Through: Mr. Kashif Ahmad Khan, Advocate

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% JUDGEMENT (Oral)

1. The present Petition has been filed under Section 25-B(8) of the Delhi Rent Control Act, 1958 ["**Act**"], seeking to set aside the Order dated 27.09.2022 ["**Impugned Order**"] passed by the learned Senior Civil Judge cum RC, Shahdara, Karkardooma Courts, Delhi ["**learned ARC**"], in RC ARC 105/2019.

2. At the outset, learned counsel appearing on behalf of the Petitioner confines his submissions to the finding of the learned RC

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regarding the existence of a landlord-tenant relationship between the parties. He submits that the learned RC has erroneously recorded that the Petitioner had admitted the ownership of the subject premises in favour of the Respondent. In this regard, he submits that, while the subject property initially belonged to Shri S.L. Kapoor, the Respondent herein claims to have acquired ownership thereof through a chain of transactions, whereby the property was first purchased by Shri Dinesh Singh from Shri Girwar Singh, who had, in turn, purchased the same from Shri S.L. Kapoor.

3. He further submits that the learned RC has erroneously recorded that no dispute had been raised with respect to the registered Sale Deed. In this regard, he seeks to rely upon the averments contained in paragraphs 5(H) and 5(L) of the Application seeking leave to defend, which read as follows:

> "(H) That the respondent is not aware about the where about of its original landlord Shri S.L Kapur for last about 16 year and the associated of petitioner shri Dinesh singh filed the petition bearing no-E-90/2014 new number 185/16 before the Hon'ble Court -ACJ/ CCJ/ ARC (Shahdara) Karkardooma Courts, Delhi u/s 14 (1) (a) DRC Act thereby demanded rent of tenanted premise as well declaring himself as owner/ landlord and in possession of entire property in question which it is itself create doubt about the present petition and petitioner who is claiming to be the owner/entailment of the said property with allegedly proper title documents since 05-05-2010 hence proper trail required in the present and well case of perjury and cheating is necessary required to be registered against the petitioner and his associates namely Sh Girwar Singh and Sh Dinesh Singh. The copy complete file of petition No E-90/14 new number E-185/2016 enclosed herewith.
> (L) That there is neither landlord tenant relationship with the petitioner at any point of time nor with his erstwhile alleged owners as claimed in the present petition with unregistered fake documents and there after fabricated one registered Sale-deeds on the record hence there is serious triable issue involve in the present case, moreover the relation of the landlord tenant is only with the Shri S L Kapoor accepted the rent till September 2003 and thereafter respondent made several attempt to search the landlord

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> but all in vain as well filed the application u/s 27 DRC Act and served though publication but landlord of respondent Sh S L Kapoor left the entire property abandoned hence property became Res-nullius and petitioner and his associated wants to grab the same by getting order from this Hon'ble Court."

4. Also, it would be apposite to reproduce the relevant finding recorded by the learned RC in the Impugned Order, which reads as follows:

> 6. However, in leave to defend affidavit, the respondent has not raised any issue which may require evidence. Respondent has admitted that the property in question initially belonged to Sh. S.L. Kapur and the petitioner has become the owner of the property after having purchased the same from previous owner from Sh. Dinesh Singh who purchased it from Sh. Girver Singh who in his turn had purchased the property from Sh. S.L. Kapur. Petitioner has placed on record the registered Sale Deed and no dispute has been raised with regard to this document by the respondent. Otherwise, also there is a presumption that a registered document is a valid document. Respondent himself has admitted that the original owner Sh. S.L. Kapur has not received the rent for a long time and his whereabouts are not known. Had Sh. S.L. Kapur not sold the property to Sh. Girver Singh, his successors or LRs would have claimed the same which is also not the case here. The petitioner being the owner of the tenanted premises is also the landlord. The term 'owner' has not been used in the sense of absolute ownership as far as the DRC Act is concerned. The person claiming the ownership should have only better title than the tenant.

5. This Court queried learned counsel appearing on behalf of the Respondent as to whether, in view of the specific averments made in the Application seeking leave to defend, the finding of the learned RC that the Petitioner had admitted the ownership of the subject premises in favour of the Respondent accurately reflected the record.

6. Learned counsel appearing on behalf of the Respondent fairly submits that the aforesaid finding does not appear to be borne out from the record.

7. In view of the aforesaid, this Court is of the considered opinion

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that the Impugned Order cannot be sustained, insofar as it proceeds on the premise that the Petitioner had not disputed the registered Sale Deed and had admitted the Respondent's claim of ownership. The averments extracted hereinabove *prima facie* indicate that the Petitioner had questioned the chain of transactions through which the Respondent claims ownership of the subject premises.

8. Accordingly, the Impugned Order is set aside, and the matter is remanded to the learned RC for fresh consideration of the issues raised by the parties, on the basis of the material already available on record before the learned RC.

9. It is clarified that this Court has not expressed any opinion on the merits of the rival claims of the parties, which shall be considered independently by the learned RC in accordance with law.

10. The parties shall appear before the learned RC on 19.11.2026.

11. The present Petition along with pending applications stands disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J

NOVEMBER 3, 2026*/pd/jk*

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