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

Date of decision: 05.10.2026

CNR No. DLHC010322752026

+ **RC.REV. 242/2026, CM APPL. 47299/2026 (Stay) & CM APPL. 47300/2026 (For Impleadment.)**

ALKA GANDHI

.....Petitioner

Through: **Mr. Chandra Shekar Yadav,**
Adv.

versus

SWEETY MANGLANI & ANR.

.....Respondents

Through: **Appearance not given.**

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

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JUDGEMENT (Oral)

1. The present Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, assailing the **Orders dated 10.12.2025 and 21.04.2026²** passed by the **learned Additional Rent Controller-02 (Central), Tis Hazari Courts, Delhi³**, in **RC ARC/670/2025⁴**, titled “*Sweety Manglani v. Darai Lal*”, whereby the learned ARC allowed the Eviction Petition and passed the Impugned Orders against the Petitioner herein.

2. Learned counsel appearing for the Petitioner refers to the Order dated 24.07.2026 passed by this Court, wherein this Court had taken

¹ DRC Act

² Impugned Orders

³ learned ARC

⁴ Eviction Petition



note of paragraph no. 3 of the present Petition, setting out the circumstances which, according to the Petitioner, occasioned the delay of fourteen (14) days in filing the application seeking leave to defend. The said paragraph is extracted herein below:

"3. That, on 10.11.2025, one person representing to be from Court came to the shop of the Petitioner at Shop No. 7A, Built-up 2 and 1/2 storeyed property bearing Municipal No. 10549 (5/54), Plot 54, Block No. 5, measuring 254.16 sq. yds, Khasra No. 1597/1147, situated at Western Extension Area, Karol Bagh, New Delhi-110005 and handed over one summon. However, in the midst of the crowded customers, the Petitioner could not realize about the meaning of that summon and somehow the same got misplaced under the heap of garments. It is submitted that the said Shop also belongs to Respondent Nos. 2a & 2b who were also the owners of the Shop and doing business. The Petitioner did not regularly come. However, subsequently, on or about 07.12.2025, the said documents came to light of the Petitioner and then the Petitioner realized that the same have been issued by a Court from Tis Hazari. Immediately thereafter, the Petitioner contacted one of his relatives who advised her to contact lawyer suggested by him. Accordingly, the Petitioner approached the undersigned lawyer and brought to the documents to his knowledge. The Petitioner was thereafter, advised to compile all records in relation to the said shop. At the outset, it is submitted that the Petitioner does not have any relationship of landlord and tenant with the Respondent No. 1 and therefore, she could not realized that a case has been filed for taking possession of the premises in question. It is pertinent to mention that the Petitioner is illiterate lady and after death of her husband, has been managing her entire family out of the meager resources by selling the ladies garments from the subject shop. The Petitioner is educated till 12th standard only. After collecting whatever documents she could, the Petitioner approached her lawyer again and immediately thereafter, on 09.12.2025, at the advice of her lawyer, an Application under Section 25B(5) of DRC alongwith supporting affidavit and documents for leave to defend were filed. On account of the aforesaid bonafide reasons, a delay of 14 days occurred in filing the said application resulting in passing of the Impugned Orders. It is submitted that, as is apparent from the Application seeking leave to defend, the application raises number of triable issues including the relationship of landlord and tenant. As per the Eviction Petition itself, the premises are under the tenancy of Darai Lai who died on 07.07.1993, which shows that the Respondent No. 2 is not even aware of who are her tenants. As



stated above, the tenancy continues since 1960-61 under the land lordship of D.P. Chawla. Merely on account of delay of 14 days, the Petitioner would lose her valuable right to defend the Eviction Petition."

3. Learned counsel submits that the Petitioner had explained that, the summons, stated to have been received on 10.11.2025, had inadvertently been misplaced and came to her notice only on or about 07.12.2025, whereafter she immediately approached her counsel and, upon collecting the relevant documents, filed the application seeking leave to defend on 09.12.2025.

4. He submits that these circumstances had already been brought to the notice of this Court in the Order dated 24.07.2026 and, therefore, the delay was neither deliberate nor intentional, but had occurred due to bona fide circumstances and the learned ARC has erred in not taking on record the leave to defend application after condoning the delay.

5. **Per contra**, learned counsel appearing for the Respondents support the Impugned Orders and submit that the explanation furnished by the Petitioner for the delay is not legally tenable.

6. He submits that mere ignorance of the nature of the proceedings cannot constitute sufficient cause for condoning the delay, particularly when the period prescribed for filing an application seeking leave to defend is statutory in nature.

7. He further submits that the issue regarding the delay has already been considered by the learned ARC and cannot be reagitated before this Court in exercise of its limited revisional jurisdiction under Section 25-B(8) of the DRC Act.

8. This Court has heard learned counsel for the parties and, with



their able assistance, has perused the material on record, including the Impugned Orders.

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.**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.

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

12. 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,

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30

⁸ 2024:DHC:9322



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.”

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

⁹ 2025:DHC:11285



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. This Court now proceeds to examine the challenge raised by the Petitioner in the aforesaid limited parameters. The issue which arises for consideration is whether the explanation furnished by the Petitioner for the delay of fourteen (14) days in filing the application seeking leave to defend satisfies the parameters prescribed in law so as to warrant interference with the Impugned Orders.

16. In this regard, this Court takes note of the Judgment of this Court in **Directorate of Education & Anr. v. Mohd. Shamim & Ors.**¹⁰, wherein the Hon'ble Division Bench has considered the circumstances in which interference may be warranted where an application seeking leave to defend has not been filed within the period prescribed under Section 25-B of the DRC Act. Relevant paragraphs of the said Judgment are reproduced herein below:

“20. It is significant that the proviso to Section 25B(8) uses the words “according to law” and not the words “according to this

¹⁰ 2019 SCC OnLine Del 11490



Act”. Thus the jurisdiction of this Court under the proviso to Section 25B(8) is to satisfy itself that an order made by the Controller under Section 25B is according to law. Needless to state that the word “law” has much wider ambit than the word “Act”, meaning the Delhi Rent Control Act. The jurisdiction of this Court under the proviso to Section 25B(8), in the judgments cited by the Senior Counsel for the respondent also, has been held to be akin to revisionary jurisdiction. It has been held in *Hindustan Petroleum Corporation Limited* supra, *Shiv Sarup Gupta* supra, *Boorugu Mahadev and Sons v. Sirigiri Narasing Rao*, (2016) 3 SCC 343, *Gandhe Vijay Kumar* supra and *Ravinder Jeet Singh v. Kanta Vadhera* 2018 SCC OnLine Del 13329 that the function of the High Court while exercising revisionary jurisdiction extends to ensuring that no injustice is being done by the order impugned before it by way of revision. The High Court thus, when approached in exercise of its jurisdiction under the proviso to Section 25B(8) against an order of eviction under Section 25B(4), on failure of tenant to within the prescribed time apply for leave to defend, would be entitled to consider whether there is any substantial ground which prevented the tenant from, within the prescribed time, applying for leave to defend and any substantial reason which disentitles the landlord from an order of eviction on the ground of requirement of premises on deemed admission of such requirement by the tenant.

21. It is not as if a mere expression of requirement of the premises for own use by the landlord has been constituted as a ground of eviction under Section 25B. For a landlord to be entitled to eviction of tenant on the ground of own requirement of the premises, the requirement has to be bonafide, for occupation of the premises by the landlord or for member of his family and further that the landlord has no other reasonable suitable accommodation. Thus, a tenant is entitled to leave to defend if able to demonstrate that the requirement pleaded by the landlord is not bonafide or that the landlord has another suitable residential accommodation. It cannot be lost sight of that the applicability of the Rent Act, as far as Delhi is concerned, now is mostly confined to premises let out decades back, at the rate of rents which are now paltry in comparison to the prevalent rents of the said properties. Eviction of such tenants being prohibited by the Rent Act save on the grounds specified, the ground of requirement for own use is often found to be invoked by the landlord(s) to seek eviction of such old tenants paying paltry rents, even though the landlord, in real sense has no requirement or bonafide requirement of the premises for own use or has other



alternate suitable premises available to him. The tenant, if able to demonstrate the requirement to be not bonafide or availability of other premises, can thwart such action for eviction.

22. Thus, when Section 25B(7) states that the procedure of a Court of Small Causes shall be followed while holding any inquiry in a proceeding under Section 25B, even though the Controller may pass an order on deemed admission, the High Court would certainly be entitled to set aside the said order if the petitioner, under proviso to Section 25B(8), is able to rebut the said deemed admission and/or make out a case for being given an opportunity for rebutting the same.

23. Mention in this regard may also be made of *Ramesh Kumar v. Kesho Ram*, 1992 Supp (2) SCC 623 holding a deemed admission to be different from an actual admission.

24. The matter can be looked at from another point of view. Section 25B(3)(b) of the Act empowers the Controller to declare that there has been valid service of summons issued under Section 25B(3)(a) of the Act when an acknowledgement “purporting to be signed by the tenant or his agent” is received back by the Controller or when the registered article containing the summons is received back with an endorsement “purporting to have been made by a postal employee” to the effect that the tenant or his agent has refused to take delivery of the registered article. Thereunder the Controller is empowered to declare that there has been a valid service merely when there is an appearance of service or refusal. However Section 25B(4) empowers the Controller to order eviction on failure of the tenant so served to apply for leave to defend only when the summons is “duly served”. A summon purporting to be served or refused cannot be said to be “duly served” if it is shown that what was purporting to be signed by the tenant was indeed not signed by the tenant and/or what was purporting to be refusal of the tenant was indeed not refusal of the tenant. An order of eviction passed on purported service if allowed to stand notwithstanding being shown to be not duly served would be in violation of Section 37(1) prohibiting the Controller from passing any order without giving reasonable opportunity to show cause thereagainst and would also be in violation of the practice and procedure of a Court of Small Causes. For this reason also in our view *Prithipal Singh* supra cannot be read as closing all doors or remedy at least before this Court.

25. We, therefore, hold that merely because the Controller has passed an order of eviction in a proceeding governed under Section



25B, on failure of the tenant to, within the prescribed time, apply for leave to defend and merely because the Controller vide *Prithpal Singh* supra has been held to be not empowered to recall the said order, would not prevent this Court from, in exercise of powers under proviso to Section 25B(8), considering once a case for the landlord to be not entitled to an order of eviction to be deemed admission following nonfiling of leave to defend within the prescribed time, the said order cannot be said to have been made according to law and would qualify as being contrary to law and liable to be set aside.

26. Having held so, we answer the question no. (A) framed in the referral order in the affirmative and with the condition that this Court would be empowered to set aside the order of eviction only if the tenant passes the dual test of prevented by reasons beyond control from applying for leave to defend within the prescribed time (as distinct from every default) and if makes out a substantial case for consideration of the application for leave to defend. We, however, in deference to *Prithpal Singh* supra choose/opt to not answer the question (B) framed in the referral order.”

17. A perusal of the aforesaid decision of the Hon’ble Division Bench reveals a prescribed dual test, which requires the tenant, *first*, to demonstrate circumstances beyond his control which prevented him from filing the application within the prescribed period and, *second*, to demonstrate that the proposed defence raises a substantial issue warranting consideration.

18. In the present case, the Petitioner admittedly received the summons on 10.11.2025. The application seeking leave to defend was filed only on 09.12.2025, beyond the period prescribed under Section 25-B of the DRC Act. The learned ARC, *vide* Order dated 10.12.2025, accordingly declined to entertain the said application, having noted that the statutory period had already expired.

19. As also, this Court has perused the explanation furnished by the Petitioner in paragraph no. 3 of the present Petition. The Petitioner states that the summons, after being received on 10.11.2025, were



misplaced amongst the garments in the shop and were subsequently found on or about 07.12.2025.

20. Thereafter, according to the Petitioner, she approached a relative, contacted her counsel, collected the relevant documents and filed the application for leave to defend on 09.12.2025.

21. In the considered view of this Court, the aforesaid factual conspectus does not demonstrate any circumstance which could be said to be beyond the control of the Petitioner and which prevented her from filing the application for leave to defend within the statutorily prescribed period.

22. At the highest, the explanation furnished by the Petitioner discloses carelessness, inadvertence and/or lack of awareness of the consequences of not filing the application within the prescribed period. Such circumstances do not satisfy the first limb of the dual test laid down by the Hon'ble Division Bench, which is that the application was unable to be filed as a result of a circumstance beyond the control of the Petitioner which prevented the Petitioner from filing the Application.

23. It is also relevant to note that the learned ARC, in its Order dated 10.12.2025, had specifically recorded that the service upon the Petitioner stood effected on 10.11.2025 and that the application seeking leave to defend had been e-filed only on 09.12.2025. The learned ARC thereafter proceeded in accordance with the settled legal position and allowed the eviction petition on account of the failure to file the application within the prescribed period.

24. The subsequent Order dated 21.04.2026 merely records the consequence flowing from the earlier Order dated 10.12.2025, *namely*,



that the application seeking condonation of delay having been dismissed and the application seeking leave to defend not having been filed within the prescribed period, the Eviction Petition was liable to be allowed.

25. It is, therefore, not a case where the learned ARC has failed to consider the explanation furnished by the Petitioner or has proceeded on an erroneous factual premise. The learned ARC has considered the factum of service, the date of filing of the application seeking leave to defend and the applicable legal position, and has thereafter arrived at its conclusion.

26. Such circumstances do not disclose any error apparent on the face of the record, jurisdictional infirmity or perversity in the decision-making process adopted by the learned ARC which would warrant interference in exercise of the limited revisional jurisdiction under the *proviso* to Section 25-B(8) of the DRC Act.

27. The fact that the Petitioner may have an explanation for the delay, or that the Petitioner may seek to raise certain issues in the proposed application for leave to defend, cannot, in the absence of satisfaction of the first limb of the test prescribed by the Hon'ble Division Bench in ***Directorate of Education & Anr.*** (supra), by itself furnish a ground for this Court to reopen the matter in exercise of revisional jurisdiction.

28. This Court is, therefore, of the considered view that the Petitioner has failed to demonstrate any circumstance beyond her control which prevented her from filing the application seeking leave to defend within the prescribed period, and the challenge to the Impugned Orders consequently fails.



29. In view thereof, there is no merit in the present Petition and accordingly, the same along with pending application(s), if any, stands dismissed.

30. The present Petition, along with pending application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 05, 2026/v/jk