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

Date of decision: 05.11.2026

\# **CNR No. DLHC010315352023**

\+ RC.REV. 230/2023, CM APPL. 41638/2023 (Stay) & CM APPL. 41640/2023 (Delay of 63 days in filing the appeal)

CHAMELI DEVI .....Petitioner

Through: Appearance not given

versus

PAL SINGH .....Respondent

Through: Ms. Divyanshi Saxena, Advocate

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (Oral)**

1. The present Petition has been instituted under the *proviso* to Section 25B(8) of the **Delhi Rent Control Act, 1958**[1], assailing the **Order dated 20.04.2023**[2] passed by the **learned SCJ-cum-RC, South East, Saket Courts, Delhi**[3] in **RC No. 74/2017**[4], whereby the application seeking leave to defend filed by the Petitioner herein was dismissed, and consequently the Impugned Order was passed against him.

2. At the outset, learned counsel for the parties are *ad idem* that peaceful possession of the subject premises has already been handed

[1] DRC Act
[2] Impugned Order
[3] leanred RC
[4] Eviction Proceedings

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over to the Respondent herein in pursuance of the Execution Proceedings, being Ex. 842/2024, and that the same stands recorded in the Order dated 12.09.2025 passed by the learned RC.

3. Learned Counsel for the Petitioner seeks to limit his challenge to the Impugned Order to the aspect that, by way of the previous Judgment dated 17.08.2010, passed by the learned Trial Court in an Appeal, being 294/2008 arising out of Civil Suit No. 843/1998, the learned Trial Court had held that there was no relationship of landlord and tenant between the parties.

4. He further submits that, in view of the aforesaid finding, the conclusion of the learned RC that the ingredients of Section 14 of the DRC Act stood satisfied in the present case is clearly erroneous, since the finding returned by the learned Trial Court in the aforesaid proceedings would establish that there was, in fact, no relationship of landlord and tenant between the parties.

5. ***Per contra***, learned counsel appearing for the Respondent supports the Impugned Order. She submits that this aspect has already been considered and dealt with in the Impugned Order. She further submits that, considering the limited scope of revisional jurisdiction vested in this Court, there arises no occasion for this Court to interfere with the Impugned Order, particularly when peaceful possession of the subject premises has already been handed over to the Respondent in pursuance of the Execution Proceedings.

6. This Court has heard learned Counsel appearing on behalf of the parties, and, with their able assistance, perused the relevant documents as also the Impugned Order.

7. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope

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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.***[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.

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

10. 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:

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[5] (1998) 8 SCC 119
[6] (2014) 9 SCC 78
[7] (2022) 6 SCC 30
[8] 2024:DHC:9322

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> "**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."

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

[9] 2025:DHC:11285

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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 by the learned counsel on behalf of the Petitioner against the Impugned Order are required to be examined.

14. In this backdrop, it would be apposite for this Court to extract the relevant portion of the Impugned Order, which reads as under:

> "15 The respondent has also disputed landlord-tenant relationship between the parties. The respondent has claimed that no rent has ever been paid by her or her family members for the demised premises to or his family members. It has been claimed by the respondent that vide judgment dated 17.08.2010, it was noted by the concerned Ld. Civil court that there was no relationship of landlord-tenant between the parties in a previous civil suit between the parties. Perusal of the entire judgment dated 17.08.2010 shows that the said judgment was passed in a suit for permanent and mandatory injunction filed by father of the petitioner against the respondent and her family members. Thus, the observation of Ld. Civil Court in judgment dated 17.08.2010 was not made in a suit pertaining to landlord-tenant dispute or in a suit pertaining to title of the demised premises. In a suit for permanent and mandatory injunction only, there was no requirement to examine the relationship between the parties and any observation made qua landlord-tenant relationship between the parties, cannot be said to be a finding of fact, on the basis of evidence or material on record, rather only an observation in the nature of *obiter dicta*. Perusal of the said judgment dated 17.08.2010 also shows that no specific issue qua landlord-tenant relationship between the parties was framed and therefore, the parties never led any evidence with respect to the landlord-tenant relationship, existing or otherwise as per the respective pleadings of the parties. Hence, reliance upon judgment dated 17.08.2010 by the respondent is misplaced and the same is not sufficient to show that there was no landlord-tenant relationship between the parties.
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> 16. As already noted above, the petitioner has been able to establish a better title to the demised premises than the respondent. Thus, the possession of respondent is clearly not in the status of owner of the demised premises and hence, can only be in the status of either a

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> tenant or a licensee or a trespasser. There are no averments in the petition or in the present application seeking leave to defend as to respondent being a licensee or a trespasser into the demised premises. Hence, the only status under which the respondent can be said to be in occupation of the demised premises is the status of a tenant. Hence, the respondent has also failed to raise any triable issue with respect to landlord-tenant relationship between the parties."

15. A perusal of the aforesaid findings reveals that the learned RC has specifically considered the reliance placed by the Petitioner herein upon the Judgment dated 17.08.2010. The learned RC has noted that the said Judgment arose out of a suit for permanent and mandatory injunction and was not rendered in proceedings concerning the landlord-tenant relationship or the title to the subject premises. The learned RC has further noted that no specific issue concerning the landlord-tenant relationship was framed in the said proceedings and that no evidence was led by the parties specifically on that aspect.

16. The contention of the learned counsel for the Petitioner, therefore, essentially seeks to invite this Court to re-examine the effect and import of the Judgment dated 17.08.2010 and to arrive at a conclusion different from that reached by the learned RC. Such an exercise, however, would necessarily entail re-appreciation of the material and the findings returned by the learned RC, which is beyond the limited scope of revisional jurisdiction vested in this Court under the *proviso* to Section 25B(8) of the DRC Act.

17. More importantly, the learned RC has not ignored or failed to consider the Judgment dated 17.08.2010. On the contrary, the said Judgment has been specifically considered, and the reasons for not treating the observations contained therein as determinative of the

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landlord-tenant relationship between the parties have been expressly recorded. The grievance of the Petitioner, therefore, is not one of non-consideration of a material document, but essentially concerns the manner in which the learned RC has appreciated and construed the said Judgment.

18. The learned RC has also proceeded to examine the status of the Petitioner herein in possession of the subject premises in the context of the title established by the Respondent and the absence of any plea that the Petitioner herein was occupying the premises as a licensee or trespasser. On that basis, the learned RC concluded that the Petitioner herein was occupying the subject premises in the capacity of a tenant and, consequently, that no triable issue had been raised with respect to the landlord-tenant relationship.

19. In view of the aforesaid findings, this Court is unable to accept the contention of the learned counsel for the Petitioner that the conclusion arrived at by the learned RC with respect to the existence of a landlord-tenant relationship was rendered without consideration of the Judgment dated 17.08.2010. The said Judgment was specifically noticed and considered by the learned RC, and reasons were furnished for holding that the observations contained therein were insufficient to establish the absence of a landlord-tenant relationship between the parties.

20. The mere fact that the learned RC has arrived at a conclusion which is not to the liking of the Petitioner, or that the Petitioner seeks to place a different interpretation upon the Judgment dated

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17.08.2010, cannot constitute a ground for interference in the exercise of the limited revisional jurisdiction of this Court.

21. This Court is not sitting in appeal over the Impugned Order and cannot substitute its own view for that of the learned RC merely because another view may be possible on the material available on record.

22. It is also relevant to note that the present challenge has been expressly confined by the learned counsel for the Petitioner to the aforesaid aspect concerning the Judgment dated 17.08.2010. No other ground has been urged before this Court. The only question, therefore, which arises is whether the consideration accorded by the learned RC to the said Judgment discloses any jurisdictional error, material irregularity, perversity or manifest illegality warranting interference under the proviso to Section 25B(8) of the DRC Act.

23. In the considered view of this Court, no such infirmity is made out. The learned RC has considered the Judgment dated 17.08.2010, examined the nature of the proceedings in which the same came to be rendered, noticed the absence of any specific issue concerning the landlord-tenant relationship and thereafter furnished reasons for concluding that the said Judgment did not establish the absence of such relationship between the parties.

24. The conclusion so arrived at cannot be said to be perverse or so unreasonable as to warrant interference in the present revisional proceedings.

25. The fact that peaceful possession of the subject premises has already been handed over to the Respondent in pursuance of the

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Execution Proceedings, as submitted by learned Counsel for the parties and recorded in the Order dated 12.09.2025 passed by the learned RC, is also taken note of by this Court. However, in view of the conclusion reached hereinabove, the said subsequent development does not call for any further consideration in the context of the challenge raised in the present Petition.

26. Accordingly, this Court finds no jurisdictional error, material irregularity, perversity or manifest illegality in the Impugned Order warranting interference under the *proviso* to Section 25B(8) of the DRC Act and therefore, the present Petition is dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 5, 2026/rk/jk

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