



2026:DHC:6417



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 07.08.2026**# **CNR No. DLHC010362662026**

+ RC.REV. 270/2026, CM APPL. 52182/2026 (Stay), CM APPL. 52183/2026 (Ex.), CM APPL. 52184/2026 (Ex. From filing certified copies of annexures) & CM APPL. 52185/2026 (Delay of 15 days in Re-filing the petition)

KUSUM SHARMA & ANR.

.....Petitioners

Through: Mr. Ashok Barnwal, Adv.

versus

GURPREET SINGH SAWHNEY

.....Respondent

Through: Mr. Anil Kumar Kukreja, Adv.

CORAM:**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (Oral)

1. The present Rent Control Revision Petition has been filed under Section 25B(8) of **the Delhi Rent Control Act, 1958**¹ read with Section 115 of the Code of Civil Procedure, 1908, seeking to set aside the **Order dated 28.02.2026**² passed by the learned ARC-02, Central, Tis Hazari Courts, Delhi in RC/ARC 232/2024 titled as "*Gurpreet Singh Sawhney v. Kusum Sharma & Anr.*"

2. Learned counsel appearing for the Petitioners submits that his Application seeking leave to defend was erroneously not taken on record by the learned ARC.

¹ DRC Act² Impugned Order



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3. It is submitted that the Petitioners were not in town at the relevant point of time and, consequently, the service of summons could not have been treated as duly effected upon them.

4. Learned counsel further submits that there were material discrepancies in the Process Server's report and, therefore, the finding returned by the learned ARC regarding due service of summons could not be sustained.

5. Learned counsel for the Respondent submits that the Impugned Order was also challenged by the Petitioner by way of a Revision Petition bearing *MISC RC ARC No. 75/26*, titled as “*KUSUM SHARMA Vs. GURPREET SINGH SAWHNEY*” wherein the order of the learned ARC was upheld by ARC-02 *vide* order dated 20.07.2026.

6. This Court has heard learned counsel appearing for the Petitioners and learned counsel appearing for the Respondent, who appears on advance notice.

7. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioners, 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.

8. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*³, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁴, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁵, 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

³ (1998) 8 SCC 119

⁴ (2014) 9 SCC 78



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.***⁶, and ***Sanjeev Hiranandani v. Sunny Grover***⁷.

10. 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 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.”

⁵ (2022) 6 SCC 30

⁶ 2024:DHC:9322

⁷ 2025:DHC:11285



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 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 on behalf of the Petitioners against the Impugned Order are required to be examined.

14. The aforesaid contentions, as raised before this Court, were also urged before the learned ARC. The learned ARC has considered the same in detail and has returned findings thereon in his order dated



28.02.2026, *inter alia*, in the following terms:

“12. Section 25B (4) of DRC Act provides that, “*The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) 'in the form specified in the Third Schedule shall not contest the prayer for eviction from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.*”

13. Hence, respondents are deemed to have admitted the relationship of landlord and tenant between petitioner and respondents. They are also deemed to have admitted that the petitioner requires tenanted premises for his bonafide need and that no other reasonably suitable accommodation is available to the petitioner.

14. In the case titled as **Ragavendra Kumar Vs Firm Prem Machinery AIR 2000 SC 534**, it was observed as under:

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“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 (Suit.) v. T.K Krishnan, [1996] 5 SCC 353. In the case in hand the plaintiff-landlord wanted eviction of the

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tenant from the suit premises for starting his business as it was suitable and it cannot be faulted.”

15. Hence, as a consequence thereof, an eviction order is passed U/s. 14 (1) (e) of DRC Act in favour of Petitioner and against the Respondents in respect of **house no. 665, Ground Floor, Mohalla Baoli, Six Tooti Chowk, Main Market, Paharganj, New Delhi-110055**, as shown in red colour in the site plan filed with petition. However, this order shall not be operative before the expiry of six months from today keeping in view Sec. 14(7) of D.R.C. Act.

16. File be consigned to the Record Room after due compliance.”

15. This Court further takes note of the fact that the Petitioners



thereafter preferred a Review Petition against the aforesaid order, in which the very same contentions regarding service, their alleged absence from the town and the discrepancies in the process server's report were reiterated.

16. The said Review Petition was also considered and disposed of by the learned ARC *vide* order dated 20.07.2026, wherein the aforesaid contentions were once again considered and rejected. The relevant portion of the said order reads as under:

“At the outset, it is to be noted that review under **Order XLVII Rule 1 of CPC** is called for only in following circumstances:

- a) Discovery of new and important matter and the evidence which was within the knowledge of the applicant or could not be produced by him at the time of passing of orders despite due diligence.
- b) On account of some mistake or error apparent on the face of the record.
- c) Another sufficient reason.

Though applicants/respondents have not specifically emphasized on any ground of review out of the grounds mentioned still perusal of application shows that primary contention of applicants is that this Court has not passed well-reasoned and detailed order as per the directions of Hon'ble High Court of Delhi in RC REV 87/2025.

However, it is observed that this Court, *vide* order dated 28.02.2026, has already dealt with all the issues raised herein and applicant is just re-agitating the same issues which is not permissible under law.

It is trite that the jurisdiction of review under Order XLVII rule 1 CPC is extremely narrow. The Hon'ble Supreme Court in **Kamlesh Verma v. Mayawati and Others [(2013) 8 SCC 320]**, has clearly summarized the principles for exercising review jurisdiction in the following words:

“19. Review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC. In review jurisdiction, mere disagreement with the view of the judgment cannot be the ground for invoking the same. As long as the point is already dealt with and answered, the parties are not entitled to challenge the impugned judgment in the guise that an alternative view is possible under the review jurisdiction.”



Further in case *Kamlesh Verma v Mayawati and Others* [(2013) 8 SCC 320], the Hon'ble Supreme Court has summarized the following principles:

“20.1. When the review will be maintainable:

- i. Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
- ii. Mistake or error apparent on the face of the record;
- iii. Any other sufficient reason.”

“20.2. When the review will not be maintainable:

- i. A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- ii. Minor mistakes of inconsequential import.
- iii. Review proceedings cannot be equated with the original hearing of the case.
- iv. Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- v. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.
- vi. The mere possibility of two views on the subject cannot be a ground for review.
- vii. The error apparent on the face of the record should not be an error which has to be fished out and searched.
- viii. The appreciation of evidence on record is fully within the domain of the appellate court; it cannot be permitted to be advanced in the review petition.
- ix. Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.”

Hence, in view of above discussion, the court is of the view that respondent/applicant is re-agitating the issues which were raised at the time of adjudication of leave to defend application and which have already been dealt with by this Court vide its impugned Order dated 28.02.2026. Applicant has miserably failed to show that there is any error apparent on face of it. Applicant has also failed to demonstrate the discovery of any new and important matter or evidence.

It is further observed that this Court cannot assume appellate jurisdiction and proceed to re-open the case of parties, when adjudication has already been concluded by this Court. The legislature in its wisdom has, consciously, carved out a distinction with a *review* jurisdiction from that of an *appellate* jurisdiction. The two, not being same, can neither be clubbed together nor



weighed on with the same scale. In an event, mere disagreement or non-consideration of the aforesaid judgment cannot, itself, be a ground of review.

Hence, the court is not inclined to review its Order dated 28.02.2026.

Accordingly, applications under section 114 read with Order XLVII Rule 1 CPC r/w section 37(2) of DRC Act is disposed off as dismissed.

File be consigned to record room.”

17. Having considered the submissions advanced before this Court, this Court finds that the grievance of the Petitioners essentially pertains to the manner in which the learned ARC has appreciated the question of service and, consequently, the maintainability of the application seeking leave to defend. The Petitioners seek to contend that, on account of their alleged absence from town and certain discrepancies in the process server's report, service ought not to have been treated as duly effected. However, these very aspects were placed before the learned ARC and were considered while passing the Impugned Order. The subsequent review proceedings also did not disclose any error apparent on the face of the record or any other circumstance warranting review of the said order.

18. More importantly, the material placed before this Court does not disclose any failure on the part of the learned ARC to consider a material plea or any conclusion which can be characterised as perverse or wholly unreasonable. What is sought, in substance, is a re-appreciation of the factual material relating to service and a substitution of the view taken by the learned ARC with the view sought to be advanced by the Petitioners. Such an exercise would amount to this Court assuming appellate jurisdiction, which is impermissible while exercising the limited revisional jurisdiction



under the proviso to Section 25B(8) of the DRC Act. Once the learned ARC has considered the relevant material and arrived at a conclusion which cannot be said to suffer from any jurisdictional error, manifest illegality or perversity, no interference is warranted merely because another view may be canvassed on the same material.

19. In view of the aforesaid factual position, this Court is unable to discern any jurisdictional infirmity, perversity or material irregularity in the Impugned Order. The Petitioners have essentially sought a re-appreciation of the factual findings returned by the learned ARC on the question of service and the circumstances in which the application seeking leave to defend came to be dealt with. Such re-appreciation is not warranted in exercise of the limited revisional jurisdiction available to this Court under Section 25B(8) of the DRC Act.

20. The Petitioners have also not been able to demonstrate any circumstance which would warrant interference with the findings returned by the learned ARC, particularly when the very same objections had been raised before the learned ARC and thereafter reiterated in the review proceedings.

21. For the reasons as aforesaid, this Court finds no merit in the present Petition. The Petition is, accordingly, dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 07, 2026/v/va