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

Date of decision: 10.08.2026

CNR No. DLHC010364812026

+ RC.REV. 272/2026, CM APPL. 52459/2026 (Stay), CM APPL. 52460/2026 (Ex. From filing the certified copy of the documents) & CM APPL. 52461/2026 (Delay of 181 days in Re-filing the petition)

RAMKISHAN

.....Petitioner

Through: Mr. T.R. Sharma, Advocate.

versus

HARDEEP KUMAR SAINI & ANR.

.....Respondents

Through:

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, 1958**¹ read with Section 151 of the **Code of Civil Procedure, 1908**² challenging the **Order dated 15.05.2024**³ passed by the **learned Additional Rent Controller-01, Central District, Tis Hazari Courts, Delhi**⁴ in Eviction Petition being RC-ARC 810/2023, titled “*Hardeep Kumar Saini v. Sheela Devi*”.

2. At the outset, and upon a pointed query, learned counsel for the Petitioner fairly concedes that the Petitioner herein was not a party to

¹ DRC Act

² CPC

³ Impugned Order

⁴ learned ARC



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the aforesaid Eviction Petition, and it is only after the Execution Proceedings were filed in respect of the Impugned Order that the Petitioner herein filed his objections in the same.

3. The Petitioner herein filed objections by way of an application under Order XXI Rules 97 and 101 of the CPC in Execution Petition No. 4176 of 2024, titled *Hardeep Kumar Saini v. Sheela*, as well as a Review Petition seeking review of the Order impugned herein. The said Review Petition and the objections filed by the Petitioner in the Execution Petition were disposed of against the Petitioner *vide* separate Orders dated 06.12.2024 and 04.10.2025, respectively. Significantly, it is not the case of the Petitioner that either of the said Orders has been challenged by him before any competent forum.

4. The principal issue arising for consideration is whether the present Revision Petition, purportedly filed by the Petitioner under Section 25-B(8) of the DRC Act, is maintainable against the Order dated 15.05.2024, when the Petitioner was admittedly not a party to the proceedings in which the said Order was passed.

5. In order to appreciate the question of maintainability, it is necessary to set out the relevant sequence of proceedings.

6. The Impugned Order dated 15.05.2024 was passed by the learned ARC in Eviction Petition bearing RC-ARC No. 810/2023. The Petitioner herein was admittedly not a party to the said eviction proceedings. Consequently, the Impugned Order dated 15.05.2024 was neither passed against the Petitioner nor did it adjudicate upon any right, defence or objection raised by him. The Petitioner sought to enter the *lis* only subsequently, at the stage of execution of the said Order, by filing objections before the learned Executing Court and,



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separately, by filing a Review Petition seeking review of the Impugned Order dated 15.05.2024.

7. The objections filed by the Petitioner in the Execution Petition and his Review Petition were considered and disposed of by the competent Courts *vide* Orders dated 04.10.2025 and 06.12.2024, respectively. Thus, the Petitioner was not without a remedy. Whatever independent right, interest or grievance the Petitioner claimed in relation to the subject property or the execution of the eviction order was placed before the competent Court and was made the subject matter of subsequent adjudication. Accordingly, the Orders which directly affected the Petitioner and could give rise to an independent grievance on his part were the subsequent Orders dated 06.12.2024 and 04.10.2025, whereby his Review Petition and objections, respectively, came to be disposed of.

8. In these circumstances, the Petitioner cannot, in the considered opinion of this Court, independently challenge the Order dated 15.05.2024 without assailing the subsequent Orders whereby his own objections and review came to be adjudicated. Once the Petitioner sought to participate in the matter at the execution stage and his objections were separately considered and disposed of, any challenge available to him in law would necessarily have to be directed against the order or orders which actually adjudicated his asserted grievance.

9. This assumes particular significance in the context of Section 25-B(8) of the DRC Act. The jurisdiction conferred upon the High Court under the proviso to Section 25-B(8) is a limited revisional jurisdiction and does not constitute an unrestricted appellate jurisdiction enabling the Court to examine every order passed in



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relation to the proceedings at the instance of any person claiming an interest in the subject matter. The High Court may exercise such jurisdiction for the limited purpose of satisfying itself that an order made by the Controller under Section 25-B is in accordance with law. The person invoking such jurisdiction must, therefore, demonstrate a legally cognizable grievance arising from the particular order sought to be revised.

10. In the present case, the Petitioner was not a party to the eviction proceedings in which the Order dated 15.05.2024 was passed. There was, therefore, no adjudication therein of any right, defence or objection of the Petitioner. His objections were raised only subsequently, at the stage of execution, and were independently considered and disposed of by the learned Executing Court. Likewise, his challenge to the Order dated 15.05.2024 by way of review was separately considered and disposed of vide Order dated 06.12.2024. The Order dated 15.05.2024, therefore, cannot be treated as an order adjudicating upon any right or grievance of the Petitioner so as to confer upon him an independent right to invoke the revisional jurisdiction of this Court under Section 25-B(8) of the DRC Act against the said Order.

11. Significantly, the Petitioner has not challenged either of the Orders dated 06.12.2024 and 04.10.2025. Those Orders represent the culmination of the proceedings independently initiated by the Petitioner by filing his Review Petition and objections in execution. If the Petitioner contends that his rights have been adversely affected by the execution of the eviction order, or that his objections were erroneously rejected, the Order dated 04.10.2025 would furnish the



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immediate basis of such grievance. Similarly, if the Petitioner is aggrieved by the rejection of his prayer for review, the Order dated 06.12.2024 would be the order against which an appropriate challenge, if otherwise maintainable in law, would have to be directed. In the absence of any challenge to those Orders, the present Revision Petition effectively seeks to question an earlier order while leaving unassailed the subsequent orders by which the Petitioner's own proceedings were adjudicated.

12. Such a course cannot be permitted. A person who was not a party to the original proceedings cannot, merely by framing his challenge against an earlier order passed therein, seek to indirectly reopen or unsettle the adjudication in the original eviction proceedings, particularly when the objections and review subsequently filed by him have themselves been adjudicated and those subsequent orders remain unchallenged. Permitting such a course would effectively allow the Petitioner to bypass the orders which directly adjudicated his asserted rights and grievances. Such an indirect challenge cannot be sustained within the limited revisional jurisdiction contemplated by Section 25-B(8) of the DRC Act.

13. At this stage, it is apposite to notice the statutory scheme of Section 25-B of the DRC Act.

14. Section 25-B prescribes a special procedure for disposal of eviction petitions founded upon the ground of *bona fide* requirement. Sub-sections (1) to (7) regulate the manner in which such proceedings are to be instituted, summons are to be issued and served, leave to defend is to be sought and granted, and the proceedings are thereafter to be adjudicated. Sub-section (8) expressly excludes an appeal or



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second appeal against an order for recovery of possession passed in accordance with the procedure prescribed therein, while conferring upon the High Court the limited power of revision in the following terms:

“Provided that the High Court may, for the purpose of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.”

15. A plain reading of the proviso to Section 25-B(8) makes it evident that the revisional jurisdiction of this Court is directed towards examining whether the particular order made by the Controller under Section 25-B is “*according to law*”. The provision does not confer an appellate jurisdiction upon the High Court to undertake a fresh adjudication of the entire matter or to examine the rights of a person who was not a party to the proceedings in which the order under challenge was passed. The statutory expression “*an order made by the Controller under this section*” assumes significance. The examination under Section 25-B(8) must necessarily be with reference to the order of the Controller which is sought to be revised and the proceedings in which that order was made. Section 25-B provides for proceedings *inter se* tenant and a landlord. In the present case, the Petitioner has not been established as either a landlord or a tenant and therefore, cannot be said to be a person who would fall within the confines of Section 25-B.

16. In the present case, the Order specifically impugned in the Revision Petition is the Order dated 15.05.2024 passed in RC-ARC No. 810/2023. The Petitioner was not a party to those proceedings. Therefore, the question whether that Order was “*according to law*”



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has to be examined with reference to the proceedings before the learned ARC and the parties who were before it. The Petitioner cannot, by subsequently entering the matter at the stage of execution, convert the limited revisional jurisdiction under Section 25-B(8) into a mechanism for independently reopening an order passed in proceedings to which he was not a party and also seek to convert it into a proceeding whereby this Court, in exercise of its revisional jurisdiction, will have to independently make a determination as to whether the Petitioner is a landlord or a tenant.

17. The subsequent filing of the Review Petition does not alter this position.

18. Section 25-B(9) expressly provides that, where no application has been made to the High Court on revision, the Controller may exercise the power of review in accordance with Order XLVII of the First Schedule to the CPC. Further, Order XLVII Rule 1 of the CPC permits “*any person considering himself aggrieved*” by an order to seek review, subject to the statutory requirements. Thus, the fact that the Petitioner considered himself aggrieved and invoked the remedy of review does not, by itself, confer upon him an independent right to invoke Section 25-B(8) against the original order while leaving the order passed upon his review unchallenged.

19. In any event, as noted earlier, the Review Petition filed by the Petitioner against the Order dated 15.05.2024 was dismissed *vide* Order dated 06.12.2024. The present Revision Petition, however, does not challenge the said Order dated 06.12.2024. Consequently, this Court is not called upon in the present proceedings to examine the correctness or legality of the Order dated 06.12.2024. The scope of the



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present Revision Petition remains confined to the Order dated 15.05.2024, which, as already noticed, was passed in proceedings to which the Petitioner was not a party.

20. The position is further fortified by the fact that the objections filed by the Petitioner in the Execution Petition were also separately adjudicated and disposed of *vide* Order dated 04.10.2025. The said Order has likewise not been challenged by the Petitioner. Thus, the two subsequent Orders which directly concern the Petitioner's asserted rights and grievances continue to operate. The present Revision Petition therefore suffers from a fundamental defect in the formulation of the challenge.

21. The Revision Petition is, therefore, liable to be dismissed *in limine*, without entering into the merits of the substantive objections raised by the Petitioner.

22. In view thereof, the present Petition is accordingly dismissed.

23. It is made clear that this Court is not, in reaching the aforesaid conclusion, expressing any opinion on the merits of the objections raised by the Petitioner before the learned Executing Court or on the merits of the Review Petition filed by him.

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

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 10, 2026/tk/va