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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 12.08.2026**# **CNR No. DLHC010123042026**

+ RC.REV. 101/2026, CM APPL. 50194/2026 (Stay)

RAJINDER KUMAR GUPTA

.....Petitioner

Through: Mr. Sanjeev Bahl, Senior Advocate with Mr. Manu Nayar, Mrs. Meenakshi Bhatia, Mr. Vaibhav Kush, Mr. Tanmay Nagar, Mr. Gurpreet Singh, Mr. Nitin Kumar, Mr. Lalit Kumar and Mr. Ishaan Kapoor, Advocates.

versus

SUSHILA DEVI JAIN (SINCE DECEASED) THROUGH
HER LR SH. DEVENDER KUMAR JAINRespondent

Through: Mr. Arvind Kumar Gupta,
Senior Advocate with Mr.
Abhiesumat Gupta, Advocate.

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

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JUDGEMENT (Oral)**CM APPL. 50195/2026 (For Preponement of date of hearing
24.08.2026)**

1. The present Application, filed on behalf of the Petitioner under Section 151 of the Code of Civil Procedure, 1908, seeks preponement of the date of hearing of the Revision Petition, being RC.REV. 101/2026, from 24.08.2026 to an earlier date.



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2. For the reasons stated in the present Application, the present Application is allowed and, accordingly, disposed of.

RC.REV. 101/2026

3. Consequently, with the consent of learned counsel appearing on behalf of the parties, the present Revision Petition is taken up for hearing today for final disposal.

4. The present Revision Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, seeks to challenge the **Judgement dated 06.07.2020²** passed in the **Eviction Petition, being RC/ARC No. 6037/2016, Order dated 25.09.2025³**, passed in the **Review Petition, being Misc. SCJ 21/2020⁴**, under Section 25(9) of the DRC Act, against the Impugned Eviction Order, by **Rent Controller, South District, Saket Courts, New Delhi⁵** and the **Order dated 14.03.2026⁶**, passed in the **Execution Petition, being Ex. 236/2021⁷**, all of which are passed against the Petitioner.

5. At the outset, this Court takes note of the fact that the challenge sought in the present Petition, as mentioned herein above, pertains to three Orders passed by the respective learned Rent Controllers, amongst which the challenge to the Impugned Eviction Order has already been dismissed by this Court *vide* Judgement dated 06.07.2026 on the ground of being barred by the Limitation.

6. Consequently, the issues that remain for consideration are confined to the challenge laid to the Impugned Review Order and the order dismissing objections in the execution proceedings.

¹ DRC Act

² Impugned Eviction Order

³ Impugned Review Order

⁴ Review Petition

⁵ Learned RC

⁶ Order dismissing Objections

⁷ Execution Petition



SUBMISSIONS ON BEHALF OF THE PARTIES:

7. Learned Senior Counsel appearing on behalf of the Petitioner, at the outset, submits that the challenge to the Order dismissing the objections may not be maintainable and, accordingly, does not seek to press the same in the present proceedings. He, however, seeks liberty to avail such appropriate remedy as may be available to the Petitioner in law for assailing the said Order. Learned Senior for the Petitioner, accordingly, submits that he limits the challenge in the present Petition to the Impugned Review Order.

8. Learned Senior Counsel appearing on behalf of the Petitioners submits that the Eviction Order was obtained by the Respondents by suppressing material facts and documents concerning properties owned or available to the Respondents and their family members. It is submitted that such concealment had a direct bearing upon the finding regarding *bona fide* requirement and availability of reasonably suitable alternative accommodation and, therefore, constituted a ground warranting review of the Eviction Order.

9. Learned Senior Counsel for the Petitioner further submits that the Petitioners had brought to the notice of the learned RC various properties which, according to them, had either not been disclosed in the Eviction Petition or had been incorrectly represented, including properties at JE-1160, Bharat Diamond Building, Bandra, Mumbai; 12-B, Yusuf Sarai, New Delhi; and F-7/1, Arjun Marg, DLF-I, Gurugram. It is contended that the subsequent discovery of the aforesaid material demonstrated that the findings returned in the Eviction Order proceeded on an incomplete and incorrect factual foundation.

10. Learned Senior Counsel for the Petitioner submits that the



learned RC, however, erroneously treated the Review Application as an attempt to seek re-appreciation of evidence, without appreciating that the Petitioners had invoked the jurisdiction under Order XLVII Rule 1 **Code of Civil Procedure, 1908**⁸ on the ground of discovery of new and important matter or evidence which, despite due diligence, was not within their knowledge at the time of the passing of the Eviction Order. It is submitted that the said ground required an independent consideration and could not have been rejected merely by observing that review is not an appeal.

11. Learned Senior Counsel would further submit that the learned RC has failed to appreciate the effect of the alleged concealment and suppression in the context of the statutory requirement of *bona fide* need and absence of reasonably suitable alternative accommodation. It is contended that the Review Court ought to have examined whether the material relied upon by the Petitioners was capable of materially affecting the findings returned in the Eviction Order, rather than treating the entire exercise as an impermissible challenge to the appreciation of evidence.

12. **Per contra**, learned Senior Counsel appearing on behalf of the Respondent submits that, while the challenge to the Order dismissing objections in the execution proceedings may not be pressed in the present proceedings, any liberty granted to the Petitioner ought necessarily to be subject to all objections available to the Respondent in law, including the objection that any fresh challenge to the said Order may be barred by limitation.

13. Learned Senior Counsel for the Respondents, controverting the challenge laid against the Impugned Review Order, submits that the

⁸ CPC



properties and circumstances relied upon by the Petitioners do not constitute any discovery of new and important matter or evidence within the meaning of Order XLVII Rule 1 of the CPC. He submits that the learned RC has duly considered the grounds urged in the Review Application and has correctly declined to reopen the findings returned in the Eviction Order.

14. It is further submitted that the allegations of fraud and concealment are unsupported by any material which could warrant exercise of the Review jurisdiction. The Petitioners are, in effect, seeking a fresh examination of the factual findings concerning the Respondents' *bona fide* requirement and alternative accommodation, which is impermissible in review proceedings.

15. Learned Senior Counsel further submits that the scope of revisional scrutiny of an Order passed in Review is narrow and confined principally to examining whether the learned Review Court has exercised its jurisdiction within the permissible parameters of review. This Court is not, in such proceedings, required to examine the correctness of the original Order afresh or to undertake a re-appreciation of the material which was before the learned Review Court.

16. Learned Senior Counsel for the Respondents, therefore, submits that the Impugned Review Order suffers from no error warranting interference in exercise of the revisional jurisdiction of this Court.

ANALYSIS:

17. This Court has heard the learned counsel appearing on behalf of the parties and with their able assistance had the occasion to go through the Impugned Orders herein.

18. 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.

19. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**⁹, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**¹⁰, and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**¹¹, 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.

20. 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.**¹², and **Sanjeev Hiranandani v. Sunny Grover**¹³.

21. 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

⁹ (1998) 8 SCC 119

¹⁰ (2014) 9 SCC 78

¹¹ (2022) 6 SCC 30

¹² 2024:DHC:9322

¹³ 2025:DHC:11285



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.”

22. 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.

23. 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 Orders suffer 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.

24. There is, however, a further limitation which assumes significance in the present case. The present Revision does not arise directly from the original Eviction Order, but the challenge before this Court, by virtue of the Judgment of this Court dated 06.07.2026, remains confined to an Order passed by the learned RC in exercise of its jurisdiction to review the said Eviction Order. The scope of revisional scrutiny must, therefore, necessarily be viewed in the context of the limited jurisdiction available to the learned RC while exercising the power of review.

25. The scope of review jurisdiction is itself circumscribed by the parameters prescribed under Order XLVII Rule 1 of the CPC. A Review Court is not vested with the jurisdiction to sit in appeal over its own Order or to undertake a re-appreciation of the material merely because another view may be possible. The exercise of review is confined to the recognised grounds on which such jurisdiction may be invoked, including an error apparent on the face of the record or the discovery of new and important matter or evidence satisfying the requirements prescribed in law.

26. Consequently, when an Order passed in review is brought before this Court in revision, the scope of scrutiny is further telescoped and circumscribed. This Court is not called upon to determine whether the original Eviction Order was correct on merits, nor to examine whether another view could have been taken on the material which was before the learned RC. The enquiry is confined to



whether the learned RC exercised its jurisdiction under Order XLVII Rule 1 of the CPC within the permissible parameters of review and whether the decision-making process in declining or allowing such review suffers from any jurisdictional error, manifest illegality or other infirmity warranting interference under the proviso to Section 25-B(8) of the DRC Act.

27. Put differently, the jurisdiction of this Court in the present proceedings does not provide a second avenue for examining the correctness of the original Eviction Order. The Court is only required to examine whether the learned RC, while dealing with the Review Application, travelled beyond the permissible scope of review, failed to exercise a jurisdiction vested in it, or exercised such jurisdiction in a manner contrary to the settled parameters governing review.

28. Having delineated the scope and ambit of the revisional jurisdiction of this Court in examining an Order passed in exercise of review jurisdiction, it would be apposite to first advert to the relevant portion of the Impugned Review Order dealing with the grounds urged by the Petitioners in support of the Review Application. The relevant portion thereof is reproduced herein below for ready reference:

“10. Grounds for invoking review in the present case are that several facts and documents were concealed by the petitioner from the court, which if disclosed, would have led to dismissal of the petition. It was argued that the best witness for the petitioner, who could have proved all the relevant facts was Mr. R.K Jain, however, he did not come forward to depose. It was also argued that alternate suitable accommodation was available with the petitioner, and the availability of alternate accommodation was not considered by the court in the correct perspective while passing the eviction order.

11. Ld. Counsel for applicant also challenged the findings at para 58 of the judgment stating that the evidence was not properly appreciated. He further challenged the findings of para 63 and 66 of the judgment stating that the findings were not as per law. He challenged the findings at para 68 stating that the observations



therein were made by the court on its own without any basis. He also challenged findings at para 74 of the judgment stating that the court failed to appreciate the contradictions and evasive replies of the petitioner and the witnesses while giving its findings, and thus reached incorrect conclusions regarding non-availability of alternate accommodation to the petitioner.

12. Further, Ld. Counsel for applicant stated that the court should have seen whether the petitioner intended to settle in Delhi at all, which it failed to do. The Ld. Counsel also challenged findings at para 82 and 83 of the judgment by stating that the onus of proof regarding the availability of alternate accommodation was wrongly placed upon the respondent instead of petitioner.

13. From the aforesaid, it is evident that the applicant is challenging the findings and reasoning adopted by the Ld. Predecessor of this Court while arriving at its conclusions, on the basis of which the impugned eviction order dated 06.07.2020 was passed.

14. It is pertinent to mention the cases of **Transasia Private Limited v. Gaurav Dhan** and **Koninklijke Philips N. V. v. Vivo Mobile Communication Co. Ltd.** wherein it is held that an error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order XLVII Rule 1 CPC. There is no such error apparent on the face of record in the present case.

15. During the course of arguments, Ld. counsel for applicant extensively referred to the pleadings of the parties, read through the cross-examinations, and referred to the documents filed by the parties in order to bring home the point that material facts had been concealed, the petitioner infact had alternative suitable accommodation, and does not have any bona fide need for the tenanted premises. Such exhaustive reference to the pleadings and cross-examination in itself shows that a detailed process of reasoning and appreciation of facts and evidence will be required in order to find any error in the judgment, which in itself shows that no error apparent on the face of record is being alleged but the decision is being referred as an erroneous decision, which if so, cannot be corrected in review jurisdiction, but only by a higher court. Re-appreciation of evidence is beyond the scope of review jurisdiction.

16. It is also not the case where any of the contentions or arguments raised by the respondent had not been considered by the court or any material on record was not appreciated. In the present review petition, the applicant has raised the availability of following alternate accommodations with the petitioner i.e. JE-1160, Bharat Diamonds Building, Bandra, Mumbai; Old Mani Mahal, 3rd Floor, 7/9 Mathew Road, Opera House, Charni Road, Mumbai; First floor



of property no. 12-B, Yusuf Sarai, New Delhi; and F-7/1, Arjun Marg, DLF-I, Gurgaon, Haryana.

17. As far as the property no. JE-1160 is concerned, perusal of the judgment reveals that the same has been dealt with at para 66 thereof, wherein, it has been held that:

“Moreover, it is necessary to note that in the evidence, the respondent completely abandoned the aforementioned plea that Sh. Shubham Jain was employed in M/s Accenture. In the cross-examination of PW-2 Sh. Devinder Jain, a case was set up by the respondent by putting a suggestion that Sh. Shubham Jain is having ample space and he is already running a business. Thereafter, in his evidence by way of affidavit, the respondent categorically deposed that Sh. Shubham Jain was carrying on business from JE-1160, Bharat Diamond Building, Bandra Mumbai. The respondent did not plead or depose that earlier Sh. Shubham Jain was working in M/s Accenture and subsequently he started his own business in Mumbai. Infact in the evidence, the respondent introduced completely new plea which is contradictory to the earlier plea that he was employed in M/s Accenture. The said plea cannot be accepted because firstly it is beyond pleadings and secondly besides making bald assertion, the respondent did not bring forth any cogent evidence to substantiate the same”.

18. With respect to property no. 12B, para 79 of the judgment states as follows:

“In addition PW-2 Sh. Devender Jain also filed the electricity bills of the floor of the aforementioned premises i.e. bearing No. 12B Yusuf Sarai, Main Market as Ex.PW1/D (colly). The said electricity bills have been issued for domestic connection in the name of original owner/landlord Sh. Om Prakash Jain. The said bills also show regular consumption of electricity which disproves that the said floor is lying vacant. In such circumstances, in absence of cogent evidence by respondent, his averments that the first floor is vacant is merely a bald averment which has been duly rebutted by the petitioner”.

19. With respect to the property at F-7/1 DLF Phase-1, Gurugram, Para 83 of the judgment states as follows:

“As far as the the other properties of petitioner and her sons i.e. property bearing house no. 1056, 1056, Gali Hira Nand, Marliwara, Chandni Chowk, Delhi and property No. F-7/1, Arjun Market DLF Phase-1 gurgaon are concerned, the respondent has not produced any evidence to establish that aforementioned properties are owned by the petitioner or her son namely Sh. Rajender Jain and can be used as suitable alternative accommodation”.



20. Thus all these accommodations were within the knowledge of the court, are not new facts and were duly considered while passing the judgment. Similar arguments raised regarding these being suitable alternative accommodations were raised before the Ld. Predecessor Court, and the same were duly considered and rejected by way of a reasoned judgment. In this regard, it is pertinent to note that law is well settled that old and overruled arguments cannot be re-appreciated in review jurisdiction and neither can views taken in earlier order be substituted. This power vests only with a superior court.

21. Applicant has also made a reference to Old Mani Mahal, 3rd Floor, 7/9 Mathew Road, Opera House, Charni Road, Mumbai, however respondent has denied any relation with the said property. Applicant has called for leading additional evidence in this regard but the same is beyond the scope of review jurisdiction. Ld. Counsel for applicant insisted that evidence can be led in review proceedings as well, however, the scheme of Code of Civil Procedure does not postulate any additional evidence in review jurisdiction.

26. It is trite that the scope of review is very limited and under review jurisdiction, court cannot sit in appeal over its own judgment. All arguments pertaining to concealment of facts by the petitioner, concealment of documents, improper appreciation of evidence, unclean hands of the petitioner and incorrect reasoning adopted by the Ld. Predecessor Court are subject matter of appeal and outside the scope of review.

27. Thus, no ground for review is made out. In this view of the matter, **application under Order XLVII Rule 1 CPC seeking review of judgment dated 06.07.2020 stands dismissed.** No order as to costs.”

29. A perusal of the Impugned Review Order shows that the learned RC has considered the grounds urged by the Petitioners in support of the Review Application. The principal grievance of the Petitioners was that the Respondents had allegedly concealed material facts and documents concerning alternative accommodation and that such material, if taken into consideration, would have materially affected the findings returned in the Eviction Order.

30. The learned RC, however, found that the properties relied upon by the Petitioners, namely JE-1160, Bharat Diamond Building, Bandra, Mumbai; 12-B, Yusuf Sarai, New Delhi; and F-7/1, Arjun



Marg, DLF-I, Gurugram, had already been the subject matter of consideration in the Eviction Order. The learned RC specifically adverted to the findings recorded in the Eviction Order with respect to each of the aforesaid properties and concluded that the Petitioners were, in substance, seeking a reconsideration of findings which had already been returned upon appreciation of the pleadings, evidence and documents on record.

31. The aforesaid finding cannot, in the considered opinion of this Court, be said to disclose any failure on the part of the learned RC to exercise the jurisdiction vested in it under Order XLVII Rule 1 CPC. The fact that the Petitioners may seek to demonstrate, by a fresh examination of the pleadings, cross-examination and documents, that a different conclusion ought to have been reached in the Eviction Order does not, by itself, convert the grievance into an error apparent on the face of the record.

32. The submission regarding alleged suppression or concealment of material facts stands on no different footing. The allegation of concealment, as advanced by the Petitioners, necessarily required an examination of the material relied upon by them, its relevance, the pleadings and evidence already considered by the learned RC, and the effect which such material could have had upon the conclusions reached in the Eviction Order. Such an exercise would necessarily entail a re-appreciation of the material on record and assessments of whether the conclusions previously arrived at were correct. The same falls outside the limited confines of review jurisdiction.

33. This is particularly evident from the manner in which the Review Application was advanced. The Petitioners sought to rely upon the pleadings, cross-examinations and documents to contend that



the findings returned in the Eviction Order with respect to bona fide requirement and alternative accommodation were erroneous. The learned RC has recorded that such an exercise would require a detailed process of reasoning and appreciation of facts and evidence. The learned RC, therefore, cannot be said to have rejected the Review Application without consideration; rather, it declined to undertake an exercise which, in its view, travelled beyond the permissible scope of review.

34. The position with respect to the property bearing No. Old Mani Mahal, 3rd Floor, 7/9 Mathew Road, Opera House, Charni Road, Mumbai, stands on a somewhat different footing, inasmuch as the Petitioners sought to rely upon material which, according to them, had not been considered in the Eviction proceedings. The learned RC, however, recorded that the Respondents had denied any connection with the said property and that the Petitioners were seeking to lead additional evidence in order to establish their contention. The learned RC declined to permit such exercise on the ground that the same was beyond the scope of review jurisdiction.

35. Even in this regard, this Court finds no jurisdictional infirmity in the Impugned Review Order. The contours of review jurisdiction are well-defined; new and additional evidence is not to be considered at the stage of review. A review, by its very nature entails an examination of an error apparent on the face of the record as it existed before the Court at the time of passing of the Order under review.

36. More importantly, as discussed herein before as well, the present Revision cannot be converted into an enquiry as to whether the material relied upon by the Petitioners was sufficient to establish concealment, whether the properties in question in fact constituted



reasonably suitable alternative accommodation, or whether the findings returned in the Eviction Order were correct. Such an exercise would amount to examining the correctness of the original Eviction Order through the medium of a challenge to the Order dismissing review, which is precisely the course that the limited revisional jurisdiction in the present proceedings does not permit.

37. The allegation that the Respondents had played fraud upon the Court or had approached the Court with unclean hands also does not, in the facts of the present case, furnish a basis for interference. The Review Court was specifically apprised of the allegations of concealment and suppression and considered the material relied upon in support thereof. The mere characterisation of the alleged suppression as “fraud” cannot, by itself, transform a disputed factual controversy into an error apparent on the face of the record warranting review.

38. The present case, therefore, is not one where the learned RC declined to consider a ground falling within the recognised parameters of review jurisdiction. On the contrary, the Impugned Review Order demonstrates that the learned RC considered the grounds urged by the Petitioners and found that they essentially sought a re-examination of the findings already recorded in the Eviction Order. The learned RC accordingly declined to exercise review jurisdiction for the reason that the grounds urged did not fall within its permissible scope.

39. In the absence of any demonstrable jurisdictional error in the exercise of review jurisdiction, this Court cannot, in the present proceedings, examine whether the conclusions arrived at in the Eviction Order were right or wrong, or whether the material relied upon by the Petitioners could have persuaded the learned RC to arrive



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at a different conclusion. To do so would effectively confer upon the Petitioners a second opportunity to assail the Eviction Order, albeit through a Revision directed against the dismissal of their Review Application.

40. The challenge to the Impugned Review Order, therefore, fails to disclose any error in the exercise of the limited jurisdiction available to the learned RC under Order XLVII Rule 1 CPC. Neither circumstance warrants interference in exercise of the revisional jurisdiction of this Court under the *proviso* to Section 25-B(8) of the DRC Act.

DECISION:

41. In view of the foregoing discussion, this Court finds no ground to interfere with the Impugned Review Order. Accordingly, the present Revision Petition is dismissed.

42. The Petitioner is, however, granted liberty to avail such remedy as may be permissible to him in law for assailing the Order dismissing the Objections dated 14.03.2026. It is clarified that the aforesaid liberty shall be subject to all objections permissible to the Respondents in law.

43. The present Petition, along with pending Application(s), if any, stands disposed of in aforementioned terms.

44. There shall be no Order as to the Costs.

45. The next date of hearing already fixed i.e., 24.08.2026 stands cancelled.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 12, 2026/nm/DJ