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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 12.08.2026**# **CNR No. DLHC010884762018**

+ RC.REV. 120/2018 & CM APPL. 46247/2024 (For taking on record the certain documents)

TARA CHAND

.....Petitioner

Through: Mr. Ajay M. Lal, Advocate
along with Mr. Pardeep
Gautam, LR of Petitioner.

versus

SUSHMA

.....Respondent

Through: Mr. Sumit Goswami, Advocate.

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, seeking to assail the **Order dated 14.11.2017**² passed by the **learned CCJ cum ARC, Central, Tis Hazari Courts, Delhi**³, in **E- 620/2017 (New No.- 716/2017)**⁴ whereby the Petitioner herein has been directed to be evicted from **one room alongwith kitchen on the ground floor of property no. 5271,**

¹ DRC Act

² Impugned Order

³ learned ARC

⁴ Eviction Petition



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Bharat Nagar, Shora Kothi, Paharganj, New Delhi⁵.

2. Learned counsel appearing on behalf of the Petitioner seeks to assail the Impugned Order primarily on the ground that the learned ARC has failed to consider the aspect of ownership of the Respondent.

3. He submits that the Respondent has been unable to establish that she is either the owner or the landlord of the tenanted premises as she has not placed any document on record which evidences her ownership over the subject property. He further submits that it was one Ravinder who used to receive rent from the Petitioner and that the Respondent herein never received any rent from the Petitioner.

4. On the strength of the aforesaid submissions, learned counsel contends that the learned ARC has erred in passing the Impugned Order against the Petitioner.

5. **Per contra**, learned counsel appearing on behalf of the Respondent supports the Impugned Order and submits that the learned ARC has duly considered the issue of ownership as also the existence of the landlord-tenant relationship between the parties.

6. He submits that the contentions now sought to be urged by the Petitioner have already been considered and appropriately dealt with by the learned ARC.

7. This Court has heard learned counsel appearing on behalf of the parties and, with their able assistance, has gone through the relevant documents placed on record as also the Impugned Order.

8. 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.

⁵ Subject Premises



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9. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**⁶, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**⁷, and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**⁸, 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.

10. 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.**⁹, and **Sanjeev Hiranandani v. Sunny Grover**¹⁰.

11. 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:

“23. The proviso to Section 25-B(8) gives the High Court exclusive power of revision against an order of the learned Rent Controller,

⁶ (1998) 8 SCC 119

⁷ (2014) 9 SCC 78

⁸ (2022) 6 SCC 30

⁹ 2024:DHC:9322

¹⁰ 2025:DHC:11285



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.”

12. 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.

13. 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.

14. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged on behalf of the Petitioner against the Impugned Order are required to be examined.

15. Since the challenge raised in the present Petition is limited to the finding as accorded by the learned ARC to the aspect of ownership and existence of landlord-tenant relationship, this Court finds it appropriate to reproduce the relevant findings hereinbelow:

“Ownership as well as existence of landlord-tenant relationship:-

10. In the present case, it is averred by the respondent that the petitioner is neither the owner nor landlord in respect of the tenanted premises because the petitioner does not have any ownership documents in this regard. Whatever documents the petitioner has placed on record, her name does not exist or appear in the alleged documents. The petitioner does not have any Will or attorney or any other instrument in respect of the suit property. Further, it is averred by the respondent that one Ravinder used to receive rent from the respondent always but never issued rent receipt. Per contra, it is submitted by the petitioner that previously Late Sh. Mohan Lai and Sh. Ram Gopal were the joint owners of the property bearing no. 5271, Ground Floor, Bharat Nagar, Shora Kothi, Paharganj, New Delhi. The father of the petitioner Late Sh. Amar Singh, had inherited the suit property, being one of the legal heir of Late Sh. Heera Lai (one of the legal heir of original co-owner Late Sh. Mohan Lai) jointly alongwith other legal heirs. The petitioner has also placed on record the translated copy of the ownership documents in Hindi vide which Sh. Mohan Lai and Sh. Ram Gopal had jointly purchased the suit property. It is averred by the respondent that they were paying rent to one Ravinder with respect to the suit premises. However, the respondent has failed to file any document in the form of rent receipt, etc. to show that they had ever paid rent to alleged Ravinder with respect to the suit premises. On the other hand, the petitioner has placed on record the photocopy of the rent receipt vide which the father of the respondent Late Sh. Nanwa had paid rent with respect to the suit premises to Sh. Mohan Lai, i.e., great grandfather of the petitioner



herein. That being the case, it does not lie in the mouth of the respondent today to dispute the title of the petitioner over the premises in question. Moreover, it has been held in "**Rajender Kumar Sharma v. Leela Wati, 155 (2008) DLT 383**", that a landlord is not required to prove absolute ownership as required under Transfer of Property Act and he is required to show only that he is more than a tenant. Same was the ratio of decision given in "**Jiwan Lai v. Gurdial Kaur 1995 RLR 162.**" Further, the High Court of Delhi made important observations in the decision given in the case titled as "**Ramesh Chand v. Uganti Devi, 157 (2009) DLT 450**" in following terms:

"7. It is settled preposition of law that in order to consider the concept of ownership under Delhi Rent Control Act, the Court has to see the title and right of the landlord qua the tenant. The only thing to be seen by the Court is that the landlord had been receiving rent for his own benefit and not for and on behalf of someone else. If the landlord was receiving rent for himself and not on behalf of someone else, he is to be considered as the owner, howsoever imperfect his title over the premises may be. The imperfectness of the title of the premises cannot stand in the way of an eviction petition under Section 14 (1) (e) of the DRC Act, neither the tenant can be allowed to raise the plea of imperfect title or title not vesting in the landlord and that too when the tenant has been paying rent to the landlord. Section 116 of the Evidence Act creates estoppels against such a tenant. A tenant can challenge the title of landlord only after vacating the premises and not when he is occupying the premises. In fact, such a tenant who denies the title of the landlord, qua the premises, to whom he is paying rent, acts dishonestly... "

Thus, the co-ownership of the petitioner over the premises in question for the purpose of the DRC Act as well as the existence of landlord-tenant relationship between the parties stands duly proved."

16. A perusal of the aforesaid finding would reveal that the issue relating to the ownership of the subject premises as well as the existence of the landlord-tenant relationship has been duly considered by the learned ARC on the basis of the material placed on record. The Respondent had placed on record the documents tracing her claim to the subject premises through inheritance. In addition thereto, reliance was placed upon the rent receipt evidencing payment of rent by the Late father of the Petitioner to Late Shri Mohan Lal, the great-



grandfather of the Respondent. The aforesaid material has been considered in the context of the respective claims of the parties regarding the tenancy.

17. Equally, the contention of the Petitioner that it was Ravinder who used to receive rent has also been considered, whereby it has been noticed by the learned ARC that the Petitioner has not placed on record any rent receipt or any other document to substantiate that rent in respect of the subject premises was being paid to Ravinder. Thus, while there is material on record which supports the Respondent's claim regarding the succession to the subject premises and the origin of the tenancy, the assertion made by the Petitioner regarding payment of rent to Ravinder remains unsupported by any documentary material.

18. The aforesaid aspect has also been considered by the learned ARC in the context of Section 116 of the Indian Evidence Act, 1872, which, as embodied therein, operates against a tenant disputing the title of the landlord under whom the tenancy has been created.

19. In the present case, the Petitioner has not placed any material to establish that the tenancy was created by Ravinder or that Ravinder had any independent right or title in the subject premises under which the Petitioner came to occupy the same.

20. Accordingly, this Court finds no merit in the aforesaid contentions urged by the Petitioner. The Respondent's claim to the subject premises through inheritance, coupled with the rent receipt showing payment of rent by the Petitioner's predecessor to Late Shri Mohan Lal, cannot be disregarded merely on the basis of a bald assertion of the Respondent that rent was being paid to one Ravinder.

21. It is trite that, for the purposes of proceedings under the DRC



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Act, the landlord is not required to establish an absolute or indefeasible title as may be required in a substantive title suit. What is required to be demonstrated is a title better than that of the tenant. The aforesaid requirement has been duly considered in the Impugned Order, and on the material available, the Respondent has been found to possess a title sufficient to maintain the eviction proceedings against the Petitioner.

22. Consequently, the objection that the Respondent has not produced a document evidencing her ownership, in the manner sought to be urged before this Court, does not merit acceptance. The issue was specifically considered in the Impugned Order with reference to the documents placed on record, the rent receipt and the respective assertions of the parties. Likewise, the contention regarding Ravinder having received rent has also been considered and found unsupported by any material.

23. This Court, therefore, finds no infirmity in the conclusion arrived at in the Impugned Order with regard to the ownership of the Respondent or the existence of the landlord-tenant relationship. Strangely, the contentions urged before this Court are, in substance, the very contentions which have already been considered and dealt with in the Impugned Order, and no material has been brought to the notice of this Court which would warrant a different conclusion.

24. Therefore, no perversity, illegality or material irregularity has been demonstrated in the aforesaid findings so as to warrant interference in exercise of the limited revisional jurisdiction of this Court under the proviso to Section 25-B(8) of the DRC Act.

25. Consequently, this Court finds no ground to interfere with the Impugned Order and the present Petition, being devoid of any merit,



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is, accordingly, dismissed.

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

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