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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 12.08.2026**# **CNR No. DLHC010000252017**

+ RC.REV. 475/2019 & CM APPL. 36098/2026 (For early hearing)

ANWAR KHAN

.....Petitioner

Through: Mr. Anwar Khan, Advocate
(Petitioner in person).

versus

MOHD SAMEER & ORS

.....Respondents

Through: Mr. S.M. Jamal, 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, 1958¹**, challenging the **Order dated 24.05.2017²** passed by the **learned Pilot Court, Central District, Tis Hazari Courts, Delhi³**, in **Eviction Petition bearing No. 29 of 2017 (Old No. 33/2017)⁴**, titled "*Sh. Anwar Khan v. Mohd. Sameer*", whereby the Eviction Petition filed on behalf of the Petitioner/Landlord herein came to be dismissed by the learned Trial Court.

2. Learned counsel appearing on behalf of the Petitioner submits that the Impugned Order warrants interference by this Court,

¹ DRC Act

² Impugned Order

³ learned Trial Court

⁴ Eviction Petition



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principally on the ground that the property bearing No. 2642 to 2647, Main Road, Near Baradari, Ballimaran, Delhi – 110006, is not in possession of the Petitioner and is, in fact, with the Custodian of Evacuee Properties. He submits that this aspect has not been correctly appreciated by the learned Trial Court while examining the question of availability of alternative suitable accommodation.

3. Learned counsel for the Petitioner further submits that no evidence was led in support of the various contentions raised by the Respondents before the learned Trial Court, which could have enabled the learned Trial Court to conclude that the Petitioner had a reasonably suitable alternative accommodation.

4. **Per contra**, learned counsel appearing on behalf of the Respondents supports the Impugned Order in its entirety and submits that leave to defend had been granted and the Impugned Order has thereafter been rendered upon an extensive trial. He submits that the learned Trial Court has duly considered the rival contentions as also the material available on record and that no infirmity has been established which would warrant interference in revisional jurisdiction.

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

6. 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.

7. The contours of the aforesaid jurisdiction are well settled. The



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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.

8. 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.

9. 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, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance.

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



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.”

10. 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.

11. 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



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error apparent on the face of the record, exercise of revisional jurisdiction may be warranted.

12. 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.

13. In order to appreciate the challenge raised by the Petitioner, it would be appropriate to examine the findings returned by the learned Trial Court. The relevant observations of the learned Trial Court in the Impugned Order are extracted hereinbelow:

“Availability of alternative suitable accommodation:-

17. It is averred by the respondents that the petitioner is having sufficient surplus accommodation in premises no. 2625, Katra Munir Khan, Baradari, Ballimaran, Delhi, where 4 rooms are lying vacant in possession of the petitioner. The petitioner has denied the said contention of the respondents but has failed to file any document to show that all the portions of the said property are occupied by the tenants and none is lying vacant, which can be used by the petitioner for the alleged Bonafide requirement.

18. Further, it is averred by the respondents that the petitioner is also having a house bearing no. 2645, Baradari, Ballimaran, Delhi, where 8 rooms are lying vacant and locked in possession of the petitioner. In reply to the same, it is averred by the petitioner that the petitioner only has one room at first floor of premises no. 2645, which is shared by him with his brother and nieces for residential purposes. That on the second floor of the said property, the brother of the petitioner Sh. Zafar Khan is residing with his family and rest of the portion of first and second floor is in possession of "Jannat Guest House".

19. It is further submitted that the property bearing no. 2642-2647, Main Road, Ballimaran, Delhi has been erroneously notified as evacuee property by the Custodian. However, in the cross-examination of the petitioner, which was got conducted in an earlier eviction petition filed by the petitioner in E-183/09, it was admitted by the petitioner in his cross-examination that the property no. 2642-2647 is owned by the petitioner and is built upto 3-4 stories. Thus, a contradictory statement is made by the petitioner in both the petitions as in the earlier petition, it was admitted by the petitioner himself that property bearing no. 2642-2647 is owned by the petitioner but in the present case, it is submitted by the petitioner that the said property is owned by the Custodian. Further, the petitioner has filed license deed in his



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favour executed by M. Azam dated 29.02.2016 to show that the ground floor of 2625 is being used for commercial purposes, whereas, the petitioner in his cross-examination in another eviction petition filed against Moinuddin and others, had stated that 2625 is a residential property and letting out of the said shop on the ground floor recently goes to show that the petitioner and his brothers are getting different portions of the premises vacated on false grounds. Thus, the petitioner has failed to prove the non-availability of any alternative suitable accommodation with him for the bonafide requirement for residential purposes of nieces of the petitioner. Further, filing of several petitions by the petitioner for different portions of his property for same residential requirement clearly goes on to prove that the petitioner has not entered into the court with clean hands and is seeking eviction on same grounds by different forums. Thus, no ground is made out for allowing the present petition filed by the petitioner u/s 14 (1) (e) of the DRC Act.”

14. A perusal of the aforesaid findings demonstrates that the learned Trial Court has not proceeded merely on the basis of the assertions made by the Respondents. Rather, the learned Trial Court has considered the rival stands of the parties in respect of the properties bearing Nos. 2625 and 2645, as also the stand of the Petitioner with respect to property bearing Nos. 2642-2647. The learned Trial Court has further taken into consideration the statements attributed to the Petitioner in the earlier eviction proceedings, which were found to be inconsistent with the stand taken by him in the proceedings forming the subject matter of the present Petition.

15. The principal submission of the Petitioner before this Court is that property bearing Nos. 2642-2647 was not available to him as it was stated to be under the control of the Custodian of Evacuee Properties. However, the learned Trial Court has specifically noticed this contention and has examined it in the context of the admission attributed to the Petitioner in the earlier eviction proceedings. Whether the earlier statement of the Petitioner was correctly appreciated or



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whether a different inference could have been drawn from the material on record would essentially require a reappraisal of the evidence. Such an exercise, particularly in the absence of any perversity or patent illegality in the approach adopted by the learned Trial Court, would fall outside the permissible scope of jurisdiction under Section 25-B(8) of the DRC Act.

16. Equally, the submission that the Respondents had failed to lead sufficient evidence to establish the availability of alternative accommodation cannot, in the facts of the present case, by itself constitute a ground for interference. The learned Trial Court has considered the pleadings, the material placed before it, *inter alia*, the License Deed dated 29.02.2016, and the statements made by the parties in the present proceedings as also in the earlier eviction proceedings. It is, therefore, not a case where the learned Trial Court has failed to consider the issue of alternative suitable accommodation or has returned its finding without reference to the material before it. The challenge raised by the Petitioner, in substance, seeks a reappraisal of the evidence and a fresh conclusion on the factual aspects of the matter, which is impermissible in the exercise of revisional jurisdiction.

17. Viewed in the aforesaid backdrop, this Court is unable to discern any jurisdictional error, material irregularity or perversity in the approach adopted by the learned Trial Court. The conclusions arrived at by the learned Trial Court cannot be said to be so unreasonable or perverse as to warrant interference in the exercise of revisional jurisdiction, merely because another view may arguably be possible.



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18. For the reasons as stated above, this Court finds no merit in the present Petition. The present Petition is, accordingly, dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 12, 2026/tk/ma