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

Date of decision: 12.10.2026

CNR No. DLHC010540692025

+ **RC.REV. 233/2025 & CM APPL. 47969/2025 (Stay)**

JASWANT KUMAR

.....Petitioner

Through: Mr. Vijay Datt Gahtori, Mr.
Shivam Sharma, Mr. Himanshu
Datt and Mr. Shivam Gautam,
Advocates.

versus

JASWANT KUMAR

.....Respondent

Through: Mr. Sumit Goswami, Advocate.

CORAM:

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

% **JUDGEMENT (Oral)**

1. The present Revision Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958**¹, seeks to assail the **Order dated 09.06.2025**² passed by the learned **ARC-01, Central District, Tis Hazari Courts, Delhi**³, in the **Eviction Petition, being RC ARC No. 861/2023**⁴, titled "*Jaswant Kumar v. Jaswant Kumar*".

2. By way of the Impugned Order, the Application, filed by the Petitioner, seeking Leave to Defend was dismissed and, consequently, an Eviction Order was passed in favour of the Respondent in respect

¹ DRC Act

² Impugned Order

³ ARC

⁴ Eviction Petition



of One room situated on the ground floor of Property No. 5271, Bharat Nagar, Shora Kothi, Paharganj, New Delhi-110055⁵.

SUBMISSIONS ON BEHALF OF THE PARTIES:

3. Learned counsel appearing on behalf of the Petitioner submits that the learned ARC failed to take into consideration certain essential documents, sought to be brought on record by the Petitioner along with his Written Submissions. Learned counsel for the Petitioner submits that the said documents included a registered General Power of Attorney, a registered Will and an Agreement to Sell, which substantiates that the Subject Premises belong to the Petitioner's wife and accordingly submits that no relationship of landlord and tenant exists between the parties.

4. Learned counsel for the Petitioner submits that, during the proceedings before the learned ARC, an opportunity had although been granted to place the aforesaid documents on record. However, owing to the personal circumstances of the learned counsel representing the Petitioner before the learned ARC, the documents could not be filed within the time granted. It is contended that the documents were, however, eventually tendered along with the Petitioner's Written Submissions and that the Petitioner ought not to be prejudiced on account of the inadvertence of the counsel in not filing the documents within the stipulated period.

5. Learned counsel further submits that the documents sought to be relied upon are material to the defence raised in the Application seeking Leave to Defend, particularly the plea disputing the

⁵ Subject Premises



relationship of landlord and tenant between the parties. It is submitted that the same raises triable issues. It is, therefore, contended that the learned ARC adopted an unduly hyper-technical approach in refusing to take the documents on record, thereby depriving the Petitioner of an opportunity to establish his defence, which goes to the very root of the matter, and thus warrants interference by this Court.

6. ***Per contra***, learned counsel appearing for the Respondent submits that the explanation, which is now sought to be raised on behalf of the Petitioner, that the counsel representing the Petitioner before the learned ARC could not file the said documents in time due to his inadvertence and personal difficulty is neither substantiated nor set out in the present Petition. It is submitted that there is no averment in the present Petition with respect to the circumstances in which the said documents could not be filed. Learned counsel for the Respondent, therefore, submits that the said plea may not be considered as it is merely a bald assertion, raised for the first time, orally, before this Court.

7. Learned counsel for the Respondent also submits that the said documents, in any case, came to be filed not by way of any Application seeking permission of the learned ARC to bring them on record, but along with the Written Submissions. Learned counsel submits that the learned ARC cannot be said to have adopted a hyper-technical approach since Petitioner was granted reasonable time to bring the said documents on record by way of an Application, however, the Petitioner failed to do so. Learned counsel therefore submits that the Petitioner cannot be permitted to now circumvent the



legal repercussion of their own lackadaisical approach.

8. Learned counsel for the Respondent also submits that, in any event, the documents sought to be brought on record, being a registered General Power of Attorney, a registered Will and an Agreement to Sell, all dated 21.03.2001, are all forged and fabricated documents.

9. No other submissions were advanced by the learned counsel appearing on behalf of the respective parties.

ANALYSIS:

10. This Court has heard learned counsel for the parties and, with their able assistance, perused the Impugned Order, the present Petition and the other relevant material placed on record.

11. 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.

12. 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.

⁶ (1998) 8 SCC 119

⁷ (2014) 9 SCC 78

⁸ (2022) 6 SCC 30



2026:DHC:9041



13. 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.

14. 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. 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.”

15. In **Pankaj Pahwa** (*supra*), a Coordinate Bench of this Court,

⁹ 2024:DHC:9322

¹⁰ 2025:DHC:11285



2026:DHC:9041



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.

16. 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.

17. 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.

18. The controversy which arises for consideration is whether the learned ARC committed any illegality, warranting interference in



2026:DHC:9041



exercise of the revisional jurisdiction of this Court, by declining to take on record documents tendered along with the Written Submissions, despite the earlier opportunity granted to the Petitioner to file the same and in the absence of any Application seeking leave of the Court for their belated production.

19. This Court takes note of the fact that the relevance of a document to the defence sought to be raised is distinct from the question whether the document has been duly brought on record in accordance with the procedure governing the proceedings. The fact that a party considers certain documents material to its case does not, by itself, dispense with the requirement of placing them on record in the manner prescribed by law, particularly where an opportunity to do so has already been granted by the Court.

20. At this juncture, this Court deems it apposite to reproduce the relevant paragraphs of the Impugned Judgement. The same read as under:

“6) During the pendency of the petition, while the matter was listed for arguments on leave to defend application, counsel for the respondent on 25.02.2025 sought time to file additional documents I.e registered Will and GPA dated 21.03.2001. Despite grant of four weeks time, no application or any documents were filed on behalf of the respondent.

7) Thereafter, on 06.05.2025, arguments on leave to defend application were heard on behalf of the petitioner. However, none appeared on behalf of the respondent to advance arguments. Therefore, in the interest of justice, four weeks time to file written submissions to the respondent. Respondent filed the written submissions. However, alongwith the written submissions, respondent also filed the additional documents i.e. GPA, Will, agreement to sell, his aadhar card, election I card, electricity bill of the premises in question.

8) However, no application was filed for seeking leave of the court to bring on record additional documents. Simply, it was stated that due to medical difficulty of his counsel, the said documents could



2026:DHC:9041



not filed earlier. It is trite to state that the ordinary rule of judiciary procedure is that the statutory time period of 15 days for filing of leave to defend application is inflexible and whatever has to be stated in the leave to defend application with respect to the facts and events, which have happened prior to 15 days period must be stated in the leave to defend application itself and not by way of subsequent affidavits or documents. Reliance in this regard is placed upon the observation of the Apex Court in Prithipal Singh Vs. Satpal Singh, (2010) 2 SCC 15. Further, the Hon'ble High Court in the case of M/s Punjab Stainless Steel House and Anr. Vs. Sangeeta Kedia 2015(1) RLR 447, has held that no event which existed at the time of filing of leave to defend application can added later on. Therefore, the additional documents filed with the written submissions were not taken on record since the documents sought to be filed were not subsequent events. Furthermore, no pleadings had been made to show sufficient cause for non-filing of documents with the leave to defend application itself."

(Emphasis supplied)

21. A perusal of the Impugned Order reveals that the matter was listed for arguments on the Application seeking Leave to Defend on 25.02.2025. On the said date, the learned ARC granted four weeks' time to the Petitioner, on request, to file additional documents. However, no Application to place the documents on record was filed within the time so granted. The learned ARC further recorded that, even on 06.05.2025, no Application had been filed for bringing the additional documents on record.

22. The matter was thereafter taken up on 09.06.2025. On that date, the Petitioner tendered Written Submissions along with the documents in question, which included the registered General Power of Attorney, the registered Will, the Agreement to Sell, an Aadhaar Card, an Election Identity Card and an electricity bill. Significantly, the documents were tendered without any accompanying Application or pleadings seeking leave of the learned ARC to take them on record.

23. The learned ARC, while considering the request, also noticed



that the registered General Power of Attorney, the registered Will and the Agreement to Sell were dated 21.03.2001. These documents, therefore, already existed at the time when the Application seeking Leave to Defend was filed. The remaining documents, as noticed by the learned ARC, were also not shown to constitute subsequent events which had arisen after the filing of the Application seeking Leave to Defend.

24. In this factual backdrop, the explanation that the documents could not be filed earlier owing to the personal circumstances of the counsel appearing for the Petitioner does not furnish sufficient ground to hold that the learned ARC acted illegally in declining to take them on record. The Impugned Order records that the Petitioner had already been afforded an opportunity to file additional documents and that the said opportunity remained unavailed of. No formal Application seeking leave to produce the documents, supported by a specific and cogent explanation for the delay, was placed before the learned ARC when the documents were tendered.

25. It is also material that the explanation now advanced does not find adequate and specific articulation in the present Petition. While the Petition contains a general grievance regarding the non-consideration of the documents, it does not set out the circumstances in which the same could not be filed on time or a clear and cogent account which would demonstrate that the failure to comply with the opportunity granted by the learned ARC was unavoidable. The mere assertion that the omission occurred on account of the inadvertence or personal circumstances of the counsel cannot, in the absence of further



particulars, be treated as sufficient to establish that the Impugned Order suffers from any patent illegality.

26. This Court is conscious of the settled principle that a litigant ought not ordinarily to suffer for a genuine and *bona fide* mistake on the part of counsel. However, the application of such a principle necessarily depends upon the facts and circumstances of the particular case. It cannot be invoked as an automatic or unconditional entitlement to introduce documents at any stage of the proceedings, irrespective of the opportunities already afforded, the explanation furnished for the delay, or the procedure adopted for their production.

27. In the present case, the Petitioner was granted time specifically for placing additional documents on record. Despite such opportunity, the documents were not filed within the time granted, nor was any Application seeking extension of time or leave to produce the documents filed thereafter. It is pertinent to note that the Petitioner did not file the documents with the Application for leave to defend or the Rejoinder or in the time granted by the Court to file documents. The documents were ultimately tendered along with the Written Submissions, without any formal request inviting the learned ARC to consider the circumstances warranting their belated production. In these circumstances, the learned ARC cannot be faulted for declining to take the documents on record in the manner in which they were tendered.

28. It is also apposite to refer to the provisions of Section 25(B) of the Act which expressly states that any defence that is to be taken is with the leave of the Court and by way of an affidavit. Admittedly, the



documents sought to be introduced along with the written submissions, do not fulfill either condition.

29. It is further necessary to distinguish between the refusal to take the documents on record and an adjudication upon their genuineness or evidentiary value. The learned ARC declined to take the documents on record on account of the manner and stage at which they were produced. The question whether the documents are genuine, what legal effect they may have, or whether they ultimately establish the Petitioner's claim to ownership does not arise for determination in the present Revision Petition. No opinion is, therefore, expressed or any observation made on those aspects.

30. The scope of revisional jurisdiction under the proviso to Section 25-B(8) of the Act is limited. This Court is not exercising appellate jurisdiction and cannot interfere merely because another course might have been adopted by the learned ARC. Interference would be warranted where the Impugned Order discloses a material illegality, irregularity or perversity in the decision-making process. In the present case, the record demonstrates that the learned ARC granted an opportunity to the Petitioner to produce the documents, noticed the failure to avail of that opportunity, and declined to take the documents on record when they were subsequently tendered without an Application seeking leave of the Court.

31. The Impugned Order, therefore, cannot be said to suffer from any jurisdictional error or material irregularity warranting interference by this Court. The attempt to rely upon the documents at the revisional stage does not, by itself, furnish a ground for setting aside the



2026:DHC:9041



Impugned Order, particularly when the Petitioner has not demonstrated any sufficient basis for holding that the learned ARC acted illegally in refusing to take the documents on record.

DECISION:

32. Accordingly, this Court finds no merit in the present Petition. The Impugned Order does not warrant interference in exercise of the revisional jurisdiction of this Court under the proviso to Section 25-B(8) of the Act.

33. The present Petition, being *sans* merit, stands dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 12, 2026/v/DJ