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

**Date of decision: 13.08.2026**

# **CNR No. DLHC010664222015**

+ **RC.REV. 146/2015, CM APPL. 5022/2015 (Stay) & CM  
APPL. 33239/2026 (U/O VII Rule 14 (3))**

**HAJI GHAZANFAR ALI** .....Petitioner  
Through: **Mr. I.A. Khan, Advocate.**

versus

**MOHD ABID & ORS** .....Respondents  
Through: **Mr. Chandra Prakash,  
Advocate.**

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

% **JUDGEMENT (Oral)**

1. The present Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958<sup>1</sup>**, assailing the **Judgment & Order dated 12.11.2014<sup>2</sup>** passed by the **learned CCJ-cum-ARC, Central District, Tis Hazari Courts, Delhi<sup>3</sup>**, in **Eviction Petition bearing No. 334 of 2013<sup>4</sup>** filed under Section 14(1)(e) of the DRC Act, titled “*Mr. Mohd. Abid & Ors. v. Mr. Haji Ghazanfar Ali*”, whereby the leave to defend Application filed under Section 25-B(4) of the DRC Act by the Petitioner herein in the Eviction Petition came to be dismissed by the learned ARC and consequently, the Petitioner herein

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<sup>1</sup> DRC Act

<sup>2</sup> Impugned Order

<sup>3</sup> learned ARC

<sup>4</sup> Eviction Petition



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was evicted from the tenanted premises i.e. shop/portion on ground floor having area measuring 46 square metres forming part of Property bearing No. 7524/B, Gali Qabron Wali, Quresh Nagar, Sadar Bazar, Delhi-110006.

2. Learned counsel appearing on behalf of the Petitioner premises the challenge herein to the sole aspect that the Respondents were never the owner of the tenanted premises and that they were also not the landlords. He submits that in terms of the Section 14(1)(e) of the DRC Act, the requirement is that the Respondents herein would have to be the owners of the tenanted premises in order to maintain the Eviction Petition as against the Petitioner herein.

3. This Court has heard learned counsel appearing on behalf of the Petitioner at length, and, with his able assistance, perused the relevant documents as well as the Impugned Order.

4. 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. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**<sup>5</sup>, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**<sup>6</sup>, and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**<sup>7</sup>, 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

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<sup>5</sup> (1998) 8 SCC 119

<sup>6</sup> (2014) 9 SCC 78

<sup>7</sup> (2022) 6 SCC 30



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appellate jurisdiction.

6. 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.***<sup>8</sup>, and ***Sanjeev Hiranandani v. Sunny Grover***<sup>9</sup>.

7. 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.”

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<sup>8</sup> 2024:DHC:9322

<sup>9</sup> 2025:DHC:11285



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8. 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.

9. 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.

10. 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.

11. This Court takes note of the fact that the Eviction Petition itself came to be filed by the Respondents herein who were the children of



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Mr. Nasruddin, who was the person to whom the Petitioner herein was originally paying rent. This Court also take note of the discussion accorded to the aspect of “*Ownership and Landlord-Tenant Relationship*” and the consideration accorded by the learned ARC, which is reproduced hereinbelow:

**“Ownership & landlord-tenant relationship.**

12. The respondent has disputed the ownership of the petitioner over the suit property stating that the suit property is under the ownership of custodian of evacuee property under Govt. of NCI of Delhi and that the petitioner is a tenant with respect to the same alongwith other occupants of the suit property and ail the occupants of the said property are paying rent to the government department for possession of the said property, it is further averred that even the respondents are tenants under custodian of evacuee property and are not the tenant of the petitioner and therefore, earlier respondent used to deposit the rent with father of the petitioner Sh. Nasiruddin so that the said father would deposit the same with custodian of evacuee property but when it came to the knowledge of the respondent and other occupants that the said father of the petitioner was not depositing the rent with the government, the respondent as well as other occupants stopped paying any money to the petitioners. Per contra, it is averred by the petitioners that they are the owners of the suit property and also the landlords of the respondent and even the respondent has admitted the ownership of the petitioner over the suit property and also existence of landlord-tenant relationship between the petitioners and respondent in case titled as "Nasiruddin, since deceased through LRs. Vs. Haji Ghazanfar Ail", which has been filed by father of the petitioners against the respondent seeking perpetual injunction.

13. I have heard the arguments of both the parties and have also gone through the record.

14. Perusal of record clearly shows that the respondent has admitted in the suit for permanent injunction filed by father of the petitioner against the present respondent that the respondent had entered into agreement dated 20.11.1961 in respect of the suit premises with the petitioner stating that Sh. Amir Bux, i.e., grandfather of the petitioner had let out the shop, i.e., suit premises to the respondent and respondent is a tenant in the suit property. Even otherwise, in the final judgment passed by Ld. Civil Judge in the said case, it has been clearly held that the defendant, i.e. present respondent is estopped u/s 116 of the Indian Evidence Act from denying landlordship of the petitioner over the suit property, it is clearly mentioned in the said judgment that the respondent herein



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has received the shop under his tenancy from predecessor-in-interest of the petitioners. Further, Ld. Civil Judge has also passed an order dated 09.12.2011 upon application u/o 39 Rule 1 & 2 CPC of the petitioners whereby restraining the respondent from carrying out any addition/structural changes in, the suit premises. Perusal of record further shows that respondent also moved an application u/o 6 Rule 17 CPC in the said suit with the sole motive of deleting his admissions made by him in written statement but the said application was also dismissed by Ld. Civil Judge on the ground that respondent cannot be allowed to deny the admissions made by him.

15. Another averment made by the respondent is that the Rent Agreement dated 20.11.1961 alleged to have been executed between Sh. Amir Bux and the present respondent is not regarding the suit property as the property in question is situated in khasra no. 385 whereas, the rent agreement is with respect to property no. 384. In this regard, perusal of record clearly shows that in the suit for permanent injunction filed by father of the petitioners late Sh. Nasiruddin against the respondent, a local commissioner was appointed who had clearly stated that there is no khasra no. 384 in the area and the suit property is a part of khasra no. 385, which is even a part of property no. 7524/B, Gall Qabronwali, Quresh Nagar, Sadar Bazar, Delhi and it has been held by Ld. Civil Judge in the said suit that agreement dated 20.11.1961 is in respect of the suit premises and not in respect of any other property as alleged by the respondent. After going through the record, it is clear that the respondent has intentionally and deliberately raised this ground while the said point has already been decided and clarified by the court of Ld. Civil Judge in the suit for permanent injunction and certified copy of the report of local commissioner dated 29.10.2011 and the order to this effect of Ld. Civil Judge have also been placed on record to prove that there is no property in khasra no. 384 and there is only one property in khasra no. 385, which is now the suit property. Thus, from the above said discussion, it is dear that the respondent has previously admitted the existence of landlord-tenant relationship between the petitioners and the respondent and also ownership of the petitioners over the suit property on the basis of which, judgment on admission has already been passed by the Ld. Civil Judge and therefore, the respondent cannot deny the existence of relationship of landlord and tenant or the ownership of the petitioners over the suit property today, since, he is estopped from doing the same as per Section 116 of the Indian Evidence Act.

16. It is further submitted by the petitioners that their grandfather had constructed the entire property in question from his own source of income on the plot of land, after being allotted the same from the custodian of evacuee property and thereafter, he has been paying charges/damages for using the same to the



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government. It is further submitted by the petitioner that if the respondent has deposited any amount in the custodian department by paying rent/damages for use of the suit premises, then he should file receipt of the same but no such document has been filed by the respondent to prove his tenancy under the said government department. Even in the reply to RTI filed by the respondent with the Govt. of NCT of Delhi, it has been clearly stated that there are number of tenants in the property and Sh. Nasiruddin is in occupation of the portion of the above said khasra and is paying rent to the department. However, there is nothing on record to show that the respondent is a tenant under the ownership of the custodian of evacuee property or any rent has been paid by the respondent in respect of the suit premises to the said department.

17. It is further submitted by the petitioners that deceased father of the petitioners was regularly paying charges to the custodian department in his own name and after his death, the petitioners have inherited and succeeded the said property and also that the respondent with an ulterior motive has deposited house tax in respect of the suit premises for the year 2011-12 in his name, for which objections have been filed by the petitioners in MOD and in reply of the same, MCD department has clearly mentioned that on the basis of house tax receipt, the holder of the same shall have no right or claim in the property in any manner. In view of above facts, it is clear that the petitioners are the owners as well as landlords in respect of the suit property and the respondent is tenant under the petitioner with respect to the tenanted premises.”

12. This Court has considered the aforesaid findings of the learned ARC in the context of the challenge raised in the present proceedings. The principal contention of the Petitioner is that the Respondents have failed to establish their ownership of the tenanted premises and, consequently, the relationship of landlord and tenant. However, the aforesaid contention cannot be considered in isolation from the material which was available before the learned ARC.

13. The learned ARC has noticed that the Petitioner had, in the earlier proceedings instituted by the father of the Respondents, admitted the tenancy in respect of the very premises in question and had traced the commencement of his tenancy to the predecessor-in-interest of the Respondents. The said proceedings had also culminated



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in findings concerning the landlord-tenant relationship, and the application seeking deletion of the said admissions had not been allowed.

14. The learned ARC has further taken note of the Rent Agreement dated 20.11.1961, the report of the Local Commissioner and the orders passed in the earlier civil proceedings, which, according to the learned ARC, establish that the reference to Khasra No. 384 in the said Rent Agreement did not relate to any separate property and that the tenanted premises formed part of Khasra No. 385 and Property No. 7524/B. The learned ARC has also noticed the absence of any material demonstrating that the Petitioner had been paying rent in respect of the tenanted premises to the Custodian of Evacuee Property or any other Government authority. Thus, the conclusion arrived at by the learned ARC was not based upon a mere assertion of ownership by the Respondents, but upon the material and admissions emanating from the earlier proceedings between the parties and their predecessors-in-interest.

15. In these circumstances, the challenge raised by the Petitioner essentially seeks a re-appreciation of the very material which was considered by the learned ARC and an alternative conclusion to be drawn therefrom. Such an exercise would fall outside the limited scope of the revisional jurisdiction vested in this Court under the proviso to Section 25B(8) of the DRC Act. This Court finds no perversity, material irregularity, jurisdictional error or error apparent on the face of the record in the approach adopted by the learned ARC. The findings returned by the learned ARC, therefore, do not warrant interference in exercise of the revisional jurisdiction of this Court.



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

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

**HARISH VAIDYANATHAN SHANKAR, J.**  
**AUGUST 13, 2026/tk/ma**