



2026:DHC:7915



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 16.09.2026**# **CNR No. DLHC010402912026**+ **RC.REV. 310/2026, CM APPL. 57928/2026 (Ex.), CM APPL. 57929/2026 (Stay)****JUGAL KISHORE**

.....Petitioner

Through: **Mr. Lokesh Kumar, Advocate**
through Video Conferencing.

versus

VIJAY KUMAR FARSHWL (DECEASED) THR LRS

.....Respondent

Through: **None.****CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN**
SHANKAR

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JUDGEMENT (Oral)**CM APPL. 57930/2026 (Delay of 33 days in Re-filing the Petition)**

1. The present Application, filed under Section 151 of the Code of Civil Procedure, 1908, seeks condonation of delay of 33 days in re-filing of the above-captioned Rent Revision Petition, being RC.REV. 310/2026.

2. For the reasons as stated therein, the present Application is allowed and, accordingly stands disposed of.

RC.REV. 310/2026

3. The present Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, seeks to assail the **Order dated 27.04.2026²** passed by the learned **SCJ-cum-RC, Central District,**

¹ DRC Act

² Impugned Order



Tis Hazari Court, Delhi³ in the Eviction Petition, being **RC/ARC No. 177/2022⁴**, titled “*Vijay Kumar Farshwal vs. Jugal Kishore*”.

4. By way of the Impugned Order, the Application seeking leave to defend filed by the Petitioner came to be dismissed and, consequently, an Eviction Order came to be passed in favour of the Respondent, with respect to the tenanted premises, being **Property No. 9340, Katra Ganga Bishan, Bagh Raoji, Gaushala Marg, Kishan Ganj, Delhi-110006⁵**.

SUBMISSIONS ON BEHALF OF THE PETITIONER:

5. Learned counsel appearing on behalf of the Petitioner seeks to challenge the Impugned Order on two interrelated grounds, *namely*, *first*, that there exists no landlord-tenant relationship between the parties since the Respondent is not the owner of the Subject Premises and *second*, that the Subject Premises forms part of *Nazul* Land and, therefore, the Respondent could not claim and certainly not establish ownership thereof.

6. Learned counsel for the Petitioner, elaborating upon the aforesaid first ground, submits that the Respondent has failed to establish his ownership over the Subject Premises and that no document evidencing such ownership was placed before the learned RC. It is, therefore, contended that, in the absence of any material establishing the Respondent’s ownership, the foundational relationship of landlord and tenant between the parties itself remains unsubstantiated, and that the learned RC erroneously held otherwise, rendering the finding against the law.

7. Learned counsel for the Petitioner further, with respect to the

³ RC

⁴ Eviction Petition

⁵ Subject Premises



second aspect, submits that the Subject Premises forms part of *Nazul* Land and, consequently, vests in the Government. It is, therefore, contended the character of the land as *Nazul* Land negates the Respondent's claim of ownership over the Subject Premises and, in turn, casts a direct cloud over the finding of the learned RC that there existed a landlord-tenant relationship between the parties.

8. Learned counsel for the Petitioner submits that the aforesaid two objections are intrinsically connected, inasmuch as the Respondent's alleged ownership constitutes the foundation of his claim as landlord, while the property being *Nazul* Land, militates against such claim. It is, therefore, contended that the Respondent lacked the requisite *locus* to maintain the Eviction Petition against the Petitioner.

9. No other submissions have been advanced by the learned counsel appearing on behalf of the Petitioner.

ANALYSIS:

10. This Court has heard the learned counsel for the Petitioner and, with his able assistance, perused the material available on record, including the Impugned Order.

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 25-B(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***

⁶ (1998) 8 SCC 119



2026:DHC:7915



*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 25-B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

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

⁷ (2014) 9 SCC 78

⁸ (2022) 6 SCC 30

⁹ 2024:DHC:9322

¹⁰ 2025:DHC:11285



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, upon considering the principles enunciated in ***Abid-Ul-Islam*** (*supra*), reiterated that the jurisdiction exercised by this Court under the *proviso* to Section 25-B(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 25-B(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 Judgment 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 Judgment are required to be examined.

18. Before advertng to the facts of the present case, for the sake of completeness and clarity, this Court deems it apposite to reproduce the findings returned by the learned RC, regarding to the aforesaid two aspects of challenge, sought to be raised on behalf of the Petitioner. The relevant portions of the Impugned Order read as under:

“Ownership of tenanted premises and relationship of landlord-tenant between petitioners and respondent :

11. Respondent has raised the contention that the petitioner is not the owner of the tenanted premises. Per contra, petitioner has averred that by virtue of registered partition deed dated 22.03.1959, his father namely, Sh. Ganga Bishan became the owner of property bearing no. 9321 to 9340, Katra Ganga Bishan, Bagh Raoji, Gaushala Marg, Kishanganj, Delhi-110006, which includes the tenanted premises, and subsequently, Sh. Ganga Bishan bequeathed the same to his wife/Smt. Mukhtiar Kanwar @ Mukhtiar Kaur vide registered Will dated 11.06.1963. Thereafter, Smt. Mukhtiar Kanwar @ Mukhtiar Kaur bequeathed the aforesaid property in favour of her son i.e. the present petitioner vide registered Will dated 24.04.1982.

12. It is well-settled that for the purposes of Section 14(1)(e) of the DRC Act, a landlord is not required to establish absolute ownership in the manner contemplated under the Transfer of Property Act. It is sufficient for the landlord to demonstrate that his title is superior to that of the tenant. In Shanti Sharma & Ors. v. Ved Prabha & Ors.,(1987) 4 SCC 193, the Hon'ble Supreme Court held that the term “owner” in this context is to be understood vis-à-vis the tenant, meaning thereby that the landlord must show himself to be “something more than the tenant.” Reliance may also be placed on Rajender Kumar Sharma & Ors. v. Leela Wati & Ors., 155(2008) DLT 383, wherein the same principle was reiterated. In the present matter, petitioner has supported his claim of ownership by filing partition deed dated 22.03.1959 as well as Will dated 11.06.1963 & Will dated 24.04.1982 executed by Sh. Ganga Bishan and Smt. Mukhtiar Kanwar @ Mukhtiar Kaur respectively. The registered Will dated 24.04.1982 of Smt. Mukhtiar Kaur records that property bearing no. 9321 to 9340, Katra Ganga Bishan, Bagh Raoji, Delhi fell in the share of Sh. Ganga Bishan vide partition deed dated 22.03.1959 and that same was bequeathed to her by him vide Will dated 11.06.1963. The entire chain of documents filed by the



petitioner corroborates the averments of the petitioner and same are also registered documents. Respondent, on the other hand, has neither filed any document either to counter the documents relied upon by the petitioner, nor has he filed any document to establish himself as the owner of the tenanted premises. Thus, court has no reason to doubt the genuineness of the documents filed by the petitioner. By way of filing aforesaid documents, petitioner has established that his title qua the tenanted premises is more than that of a tenant.

13. Respondent claims ownership over the tenanted premises by way of adverse possession stating that he is in continuous, uninterrupted and settled possession of the tenanted premises for about last 70 years. In order to successfully claim title by adverse possession, one is first required to admit title of the true owner and then must claim possession adverse and hostile to such owner. In the present matter, the respondent has merely stated that the tenanted premises is owned by the Government and not by the petitioner but he has not brought any material to substantiate the same. In absence of any material to corroborate the same, the aforesaid plea of respondent comes across as a mere convenient plea, raising no triable issue.

14. Further, respondent was required to disclose the month and year from which his alleged adverse possession had commenced. However, respondent has failed to disclose the same. The bald claim of the respondent that he is in possession of the tenanted premises since 70 years, without specifying the date, month or year when his alleged adverse possession commenced, raises no triable issue. In this regard, reliance is placed upon the case of *Hansraj V/s Jagminder Singh & Ors.* 2017 (8) AD (Delhi) 483 wherein Hon'ble High Court of Delhi has held as under :-

“9. From the aforesaid discussion, it becomes clear that the courts look with disfavour at the claim of adverse possession. Adverse possession is looked upon with disfavour because adverse possession commences in a wrong i.e. act of wrongful possession and is maintained against a right i.e. right, title and interest of the true owner. Adverse possession has to be proved by clear cut evidence showing when the adverse possession commences i.e. the date, month and year or at least the month and year and adverse possession has to be proved to be nec vi, nec clam, nec precario. Wrong possession is not automatically an adverse possession. Also for commencement of adverse possession, it should be brought to the notice of the true owner the claim of adverse possession so that the true owner can take all steps in accordance with law.”



15. It is now to be ascertained whether there exists relationship of landlord and tenant between the parties. The Court is of the opinion that the petitioner is not required to prove a perfect and absolute title over the premises for the purpose of establishing his locus to file eviction petition against the tenant. In the present case, petitioner has filed various rent receipts issued by him, wherein Sh. Satpal/father of respondent is mentioned as a tenant. Now, respondent has merely alleged that the rent receipts filed by the petitioner are forged and fabricated. The respondent has not brought any document bearing the genuine signature of Sh. Satpal to show that his signatures appearing on said rent receipts are forged ones. The said contention of respondent is only a bald self-serving ipse dixit averment. It is not the case of the respondent that he has filed any criminal case against the petitioner for forging/fabricating said documents. Thus, court has no reason to doubt the genuineness of aforesaid rent receipts. Pertinently, if respondent's father was a tenant in the tenanted premises, respondent cannot claim a better title than that of a tenant qua the same. Thus, no triable issue is raised in this regard. It may be mentioned here that the respondent has relied upon case titled *Ashish Bharti @ Rocky Jha Vs. State of Bihar* in support of his argument that issuance of rent receipt does not establish ownership. However, said citation lends no support to the respondent as the provision of Section 14 (1) (e) of DRC Act was not involved in aforesaid matter. Thus, no triable issue is raised in this regard.

16. Respondent's contention that the partition deed and Wills relied upon by the petitioner were not properly executed/not signed by executant/witness is not tenable as respondent, who has been found to be a tenant, has no locus to dispute or find flaws in the documents of the landlord/petitioner.

17. It may be mentioned here that during the course of arguments, it was argued on behalf of the respondent that the tenanted premises is not owned by the petitioner rather the same is situated in a Nazul land, belonging to the Government. The above contention fails to raise any triable issue for the simple reason that above contention has not been taken in the leave to defend application of the respondent but same was raised only during the course of arguments. It is not open to the respondent to take any additional ground after filing of the leave defend application. Respondent has filed certain documents in support of his aforesaid contention at the stage of filing of written synopsis. It would suffice to say that aforesaid documents filed subsequent to filing of leave to defend application cannot be considered for deciding the present application. However, even if said documents are considered, they fail to raise any triable issue. Two such documents are letters written by Tehsildar, Civil Lines whereby he seeks confirmation if certain Khasras are Nazul land. Apparently, said letters merely seek



confirmation but do not declare or record any land as Nazul land. A list of Nazul land is also attached with the written synopsis of respondent but same does not mention any notification etc. which may have declared such land as Nazul land and hence, it is of no aid to the respondent. Having said that, even if it is assumed that the tenanted premises is situated in Nazul land, no ground is made out to grant the respondent leave to defend the present petition. This is because the present matter is not a suit for adjudication of title but is an eviction petition, wherein petitioner need not prove absolute title but has to merely show that he is more than a tenant in the tenanted premises. In discussion made above, court has already reached the finding that petitioner has established himself as the landlord of the respondent qua the tenanted premises. Now, it is settled law that as per the doctrine of tenant's estoppel, a tenant is precluded from denying the title of the landlord during the continuance of the tenancy. Thus, it is not open to the respondent herein to question the title of the petitioner in the present proceedings and he is estopped from questioning the same. In view of above, aforesaid contention of respondent is not tenable and same raises no triable issue."

(Emphasis supplied)

19. Adverting to the facts of the present case, insofar as the first contention urged on behalf of the Petitioner is concerned, a perusal of the Impugned Order makes it apparent that the learned RC has returned a finding on the question of ownership as well as the relationship of landlord and tenant after duly considering the material placed on record. The learned RC notes that the Respondent has traced his claim over the Subject Premises through a chain of registered documents, commencing from the registered partition deed dated 22.03.1959, followed by the registered Will dated 11.06.1963 and the subsequent registered Will dated 24.04.1982 and, therefore, held that these documents, taken cumulatively, support the Respondent's claim of ownership in respect of the Subject Premises.

20. The learned RC has rightly held that for the purposes of an Eviction Petition under Section 14(1)(e) of the DRC Act, the Respondent was not required to establish a title in the manner in



which the same would be required to be established in an independent suit for declaration of title. The relevant enquiry, in the context of the said Eviction Petition, was whether the Respondent had demonstrated a title or interest in the Subject Premises superior to that of the Petitioner. The learned RC, relying upon the settled position in this regard, has returned a categorical finding that the Respondent had established a title over the Subject Premises superior to that of the Petitioner.

21. The aforesaid conclusion is further fortified by the rent receipts placed on record by the Respondent, which record the father of the Petitioner, *namely*, Sh. Satpal, as the tenant in the Subject Premises. The Petitioner has merely alleged that the said rent receipts are forged and fabricated, without placing on record any material to substantiate such allegation. In these circumstances, the learned RC was justified in treating the said objection as a bald assertion. Once the Respondent had placed on record material indicating the tenancy of the Petitioner's predecessor-in-interest, the mere denial of the same, unsupported by any cogent material, could not, in the facts of the present case, constitute a triable issue.

22. In view of the foregoing discussion, this Court is of the considered view that the learned RC has duly considered the question of ownership as also the existence of the landlord-tenant relationship between the parties. The finding returned on these aspects, therefore, cannot be said to be perverse, contrary to law, or so unreasonable as to warrant interference in exercise of the limited revisional jurisdiction of this Court. The first ground of challenge, accordingly, does not merit any interference.

23. Moving to the second limb of the challenge, which rests upon



the assertion that the Subject Premises forms part of *Nazul* Land and, consequently, that the Respondent could not claim ownership thereof and lacked the *locus* to maintain the Eviction Petition, this Court is of the considered view that the said contention is equally devoid of merit.

24. This Court takes note of the fact that the aforesaid contention was not raised by the Petitioner in the Application seeking leave to defend filed before the learned RC. The said contention was sought to be raised for the first time during the course of arguments before the learned RC, when the Petitioner sought to rely upon certain documents, which were subsequently placed on record along with the Written Submissions. The learned RC, therefore, rightly declined to consider the said contention, having regard to the fact that the same did not form part of the pleadings or the grounds raised in the Application seeking leave to defend.

25. There is yet another fundamental difficulty in the submission advanced by the Petitioner. The Eviction Petition under the DRC Act are not concerned with adjudication of an absolute title to the Subject Premises. The limited question before the learned RC, while considering the Application for leave to defend, was whether the Respondent had established the requisite relationship of landlord and tenant and whether the Petitioner had disclosed a triable issue warranting a trial. Having regard to the registered documents relied upon by the Respondent and the rent receipts evidencing the tenancy of the Petitioner's father, the learned RC concluded that the Respondent had demonstrated a title superior to that of the Petitioner.

26. Thus, even if the contention regarding the alleged *Nazul* character of the land were to be considered, the same would not, in the facts of the present case, *ipso facto* displace the Respondent's status as



landlord for the purposes of Section 14(1)(e) of the DRC Act. The Petitioner had also not placed any material before the learned RC demonstrating that the Government had asserted a competing title in respect of the Subject Premises or that the Respondent's status as landlord *vis-à-vis* the Petitioner stood extinguished or otherwise rendered incapable of enforcement. The contention, therefore, does not disclose any such *prima facie* defence as would warrant grant of leave to defend.

27. In view of the foregoing discussion, this Court is of the considered view that permitting the Petitioner to introduce such a factual controversy for the first time in revision, having not been articulated in their Application seeking leave to defend, would necessarily require this Court to undertake an enquiry into facts and documents which were not placed before the learned RC at the appropriate stage. Such an exercise would be contrary to the limited scope of revisional scrutiny under the *proviso* to Section 25-B(8) of the DRC Act.

28. The Impugned Order, therefore, does not suffer from any absence of adjudication. The learned RC has considered each of the objections raised before it and has furnished reasons for concluding that they did not give rise to any triable issue. The grounds urged before this Court essentially seek a re-examination of the material already considered by the learned RC, and do not demonstrate any jurisdictional error, material irregularity, perversity or manifest illegality in the decision-making process.

DECISION:

29. This Court is of the considered view that the Petitioner has failed to demonstrate any infirmity in the manner in which the learned



2026:DHC:7915



RC considered the objections concerning the Respondent's ownership and the relationship of landlord and tenant. The findings returned by the learned RC are founded upon the material available on record and cannot be said to be either perverse or so unreasonable as to warrant interference in exercise of the limited revisional jurisdiction of this Court. The Impugned Order, therefore, does not warrant any interference under the proviso to Section 25-B(8) of the Act.

30. Consequently, the present Petition, being *sans* merit, is dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 16, 2026/nd/DJ