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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 17.07.2026**

+ RC.REV. 121/2026, CM APPL. 23950/2026 (Stay) & CM APPL. 23951/2026 (Ex.)

RAJESH KUMAR & ANR.Petitioners
Through: Mr. Ayush Gupta, Adv.

versus

SANJEEV KUMARRespondent
Through: Mr. Ashish Mohan, Sr. Adv.
with Ms. Ashima Puri & Mr.
Auritro Mukherjee, Advs.**CORAM:**
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR% **JUDGEMENT (Oral)**

1. The present Rent Revision Petition has been filed under Section 25B (8) of the **Delhi Rent Control Act, 1958**¹ read with Section 151 of the **Code of Civil Procedure, 1908**² seeking to assail the **Judgment dated 11.11.2025**³ passed by the **learned ACJ-cum-CCJ-cum-ARC, South East District, Saket Courts, New Delhi**⁴ in RC ARC No. 30/2024 titled as "*Sanjeev Kumar v. Rajesh Kumar & Anr.*".

2. Learned counsel appearing on behalf of the Petitioners submits that the Impugned Judgment cannot be sustained primarily on the ground that the Respondent failed to establish his ownership over the

¹ DRC Act² CPC³ Impugned Judgment⁴ Learned ARC



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tenanted premises, bearing No. **A, 1893/A, Uday Chand Marg, Kotla, Mubarakpur, New Delhi-110003**⁵. Learned counsel for the Petitioner further submits that, even assuming, *arrguendo*, the Respondent to be one of the owners of the property, the Petitioners never attorned to him as their landlord.

3. Learned counsel for the Petitioners further submits that the Eviction Petition itself was not maintainable as the Respondent had sought the relief of eviction under Section 14(1)(e) of the DRC Act along with a claim for recovery of arrears of rent in the same proceedings. Learned counsel for the Petitioner, accordingly, submits that such a composite Eviction Petition is not maintainable under the summary procedure prescribed under Section 25B of the DRC Act.

4. Learned counsel for the Petitioners further submits that the Respondent was in possession of sufficient alternate reasonably suitable accommodation and, therefore, the plea of *bona fide* requirement was not made out.

5. Learned counsel for the Respondent, therefore, submits that the Impugned Judgment warrants interference by this Court, and consequently be set aside.

6. **Per contra**, learned senior counsel appearing on behalf of the Respondent supports the Impugned Judgment wholeheartedly and submits that each of the aforesaid contentions had specifically fallen for consideration before the learned ARC and had been dealt with comprehensively. It is submitted that the learned ARC has examined the objections relating to ownership, maintainability of the eviction petition as well as the plea of alternate accommodation in considerable

⁵ Subject Premises



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detail and has returned reasoned findings on each aspect.

7. Learned counsel for the Respondent, therefore, submits that no interference is warranted in exercise of the limited revisional jurisdiction vested in this Court.

ANALYSIS:

8. This Court has heard the learned counsel for the parties at length and, with their able assistance, perused the material placed on record, including the Impugned Judgment.

9. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioners, 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.

10. 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.

11. 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*

⁶ (1998) 8 SCC 119

⁷ (2014) 9 SCC 78

⁸ (2022) 6 SCC 30

⁹ 2024:DHC:9322



Grover¹⁰.

12. In **Abid-Ul-Islam** (supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25B 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.”

13. 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

¹⁰ 2025:DHC:11285



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.

14. 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.

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

16. At this juncture, this Court deems it appropriate to reproduce the relevant paragraphs of the Impugned Judgment. The same read as under:

“Ownership and Landlord-Tenant Relationship Between the Parties

15. The ownership of petitioner to suit property and the landlord-tenant relationship have been disputed by the respondents. The version of the respondents is that their grandfather "***used to say***" that the suit property belonged to him (as stated in paragraph no. 6 of their application seeking leave to



defend). They have further contended that their grandfather had become owner of suit property by way of adverse possession and subsequently, they inherited the ownership after demise of their grandfather and father. Further, the registered Will in favour of the petitioner by virtue of which latter is claiming ownership to suit property, has been disputed by respondents as being forged.

15.1 It is pertinent at this juncture, to discuss authority as laid down by the Hon'ble Supreme Court in the case titled ***Sheela & Ors. V. Firm Prahlad Rai Prem Prakash 2002 (SC)*** that "In rent matters, the burden of proving ownership on a landlord is not that heavy as it is in a title suit and even a lesser quantum of proof may suffice for holding that the landlord is the owner of the premises in question."

15.2 Further, in case titled ***Jiwan Lal v. Gurdial Kaur & Ors. 1995 RLR 162*** the Hon'ble High Court of Delhi, while dealing with the concept of ownership in a pending eviction petition under Section 14(1)(e) of the DRC Act had noted as follows:

"There is a tendency on the part of tenants to deny ownership in cases under Section 14(1)(e). To test the substance of such a plea on the part of the tenants the Courts have insisted that they should state who else is the owner of the premises if not the petitioner. Further these cases under Section 14(1)(e) are not title cases involving disputes of title to the property: Ownership is not to be proved in absolute terms.

15.3 Further, in the case titled ***Smt. Shanti Sharma & Ors. Vs Smt. Ved Prabha & Ors 1987 AIR 2028***, the Hon'ble Supreme Court observed : -

"That the meaning of term 'owner' is vis a vis the tenant i.e. the owner should be something more than the tenant."

"It is also well settled that the petitioner should be something more than the tenant and the petitioner need not prove his ownership in absolute terms. it is sufficient for the petitioner to prove or to show that he is something more than a tenant."

16. Very vaguely and in a callous manner, it has been contended by respondents that their grandfather used to tell them that he is the owner of the suit property and that their grandfather was owner of the same by way of adverse possession. Further. they have relied upon electricity bill in name of their father and have house tax receipt in support of



their contention of being owner of suit property. ***Thus, the respondents are claiming to be owners of suit property on basis of adverse possession of their grandfather and the aforesaid bill and receipt while disputing the registered Will in favour of the petitioner to be forged?***

17. At the same time, it must also be taken into consideration that the eviction petition filed by brother of petitioner against the respondent with respect to the other part of the property in question (i.e., part B and C of property no, 1893, as stated above) had been allowed and application seeking leave to defend filed on behalf of respondent had been dismissed. It had been observed in order dated 07.06.2022 in RC ARC No. 3/2020 titled ***Rajeev Kumar Vs. Rajesh Kumar-Anup Kumar***, that it had been admitted by the respondents that the original owner of the property in question and the original landlord is Late Sh. Baljeet Singh i.e., the father of the petitioner.

18. Also, at this point, it is relevant to point out again that the property in question had been let out by father of petitioner to grandfather of respondents, as per version of the petitioner. The said property had been bequeathed by father of petitioner upon his three sons (including the petitioner) by way of Will dated 22.08.2008. The brother of petitioner has already procured eviction order against the respondent herein with respect to his portion/share in the property in question, and for the remaining portion of the same, the present petition has been filed. In such a case, the respondent could not be allowed to raise dispute to ownership of Late Sh. Baljeet Singh and the landlord-tenant relationship with him, when he had been bound to have admitted the same in the previous eviction petitions. The respondents cannot now raise frivolous contentions that the Will in favour of the petitioner is forged or that their grandfather is the owner of the suit property by virtue of adverse possession.

19. The grounds put forth by tenant/respondent in seeking leave to defend shall reflect triable issue and the same should not appear to be sham. In view of the above discussion, there is no denying that the respondents have failed to raise any such ground through their aforesaid application and accordingly, ***no triable issue arises with respect to ownership of petitioner with respect to the tenanted premises and also, regarding the landlord-tenant relationship between the parties in the present matter.***

Availability of Alternate Reasonable Accommodation

22. It has been contended by the respondents that petitioner own several other properties without explaining about



the said properties or providing their details. Also, the availability of other property could be treated as availability of reasonably suitable accommodation, as the two of them are totally different concepts. It has not even been contended by respondents that the other properties, if any are there, are reasonably suitable for the requirement of the petitioner. Further, it is pertinent to discuss authority laid down by the Hon'ble Supreme Court in case titled "**Sarla Ahuja Vs. United India Insurance Co. L.td., AIR 1999 SC100** that-

*"the crux of the ground envisages in clause (e) of Section 14(1) of the Act is that the requirement of the landlord for occupation of the tenanted premises must be Bonafide. **When a landlord asserts that he requires his building for his own occupation, the Rent Controller shall not proceed on presumption that requirement is not bona-fide.** When other conditions of the clause are satisfied and when landlord shows a prima-facie case, it is open to the Rent Controller to draw a presumption that requirement of the landlord is bona-fide. It is often said by the Courts that it is not for tenant to dictate terms to the landlord as to how else he can adjust himself without getting possession of the tenanted premises. While deciding the question of bona-fides of requirement of the landlord, it is quite unnecessary to make an endeavour as to how else the landlord could have adjusted himself."*

23. Thus, in the light of the above discussion, it also ***stands established that the petitioner does not have any reasonably suitable accommodation available with him for the purpose as stated and no triable issue arises with respect to this aspect also.***

Other Grounds

24. The other grounds raised by respondents to seek leave to defend is that the site plan filed by the petitioner is not proper. Without filing their own site plan and stating as to how the site plan filed by petitioner is faulty, the vague dispute to site plan do not call for any consideration. Further, it has been contended by respondents that the present petition is not maintainable as summary procedure as provided for petition under section 14 (1)

(e) DRC could not be followed for relief of granting arrears of rent and mesne profits as claimed by petitioner. It is being clarified no such relief is to be granted to the petitioner in the present matter, therefore, there is no question of having followed



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a summary procedure to grant said reliefs.”

17. A perusal of the findings extracted hereinabove demonstrates that each of the objections, now sought to be urged before this Court, had specifically fallen for consideration before the learned ARC as well.

18. Insofar as the challenge to the ownership of the Respondent and the existence of the landlord-tenant relationship is concerned, the learned ARC has examined the registered Will relied upon by the Respondent, the admissions noticed in the connected eviction proceedings and the settled legal position that, for the purposes of Section 14(1)(e) of the DRC Act, the landlord is not required to establish absolute title but only a title superior to that of the tenant.

19. The learned ARC has also considered the plea of adverse possession raised by the Petitioners and assigned cogent reasons for holding that the same did not disclose any triable issue.

20. This Court does not find the said conclusions to be either contrary to the material placed on record or suffering from any infirmity warranting interference in exercise of the present revisional jurisdiction.

21. Equally, while examining the objections regarding the alleged availability of alternate reasonably suitable accommodation and the maintainability of the eviction petition, the learned ARC has independently dealt with each of the submissions advanced by the Petitioners.

22. The Impugned Judgment reflects due application of mind to the distinction between the mere existence of other properties and the availability of reasonably suitable alternate accommodation, besides



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specifically dealing with the objection regarding the maintainability of the proceedings. Thus, the findings returned by the learned ARC are supported by cogent reasons and cannot be characterised as arbitrary, perverse or manifestly erroneous so as to warrant interference by this Court.

23. As discussed herein before, the scope of interference under the *proviso* to Section 25B (8) of the DRC Act is by now well settled. The jurisdiction exercised by this Court is supervisory and revisional in nature and cannot be equated with appellate jurisdiction. Consequently, this Court cannot undertake a fresh appreciation of the material already considered by the learned ARC merely because another view on the facts may also be possible.

24. Examined in the aforesaid light, this Court finds that the challenge raised by the Petitioners is essentially directed against the appreciation of facts and material already undertaken by the learned ARC. None of the submissions advanced before this Court demonstrate that the learned ARC has ignored any material document, applied an incorrect legal principle or returned findings which can be characterised as perverse or wholly unsupported by the record.

25. The endeavour of the Petitioners is, in substance, to seek a fresh appraisal of the material already considered by the learned ARC, which is impermissible while exercising the limited revisional jurisdiction under Section 25B (8) of the DRC Act.

26. Accordingly, this Court finds no jurisdictional error, manifest illegality, material irregularity or perversity in the Impugned Judgment so as to warrant interference in exercise of the revisional jurisdiction vested under Section 25B (8) of the DRC Act.



27. In view thereof, this Court finds no merit in the present Revision Petition and, accordingly, the present Petition stands dismissed.

28. Accordingly, the present Petition, along with pending application(s), if any, stands disposed of.

HARISH VAIDYANATHAN SHANKAR, J.
JULY 17, 2026/v/dj/ma