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

% ***Judgment reserved on: 30.09.2026***
Judgment pronounced on: 18.11.2026

\# **CNR No. DLHC010444962024**

\+ RC.REV. 199/2024 & CM APPL. 42580/2024 (Stay)

NIKUNJ SHARMA AND ANR. .....Petitioners
Through: Mr. Anmol Mathur and Mr. Tanmay Vats, Advs.

versus

MANOJ KUMAR GUPTA .....Respondent
Through: Mr. C.M. Grover, Adv.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958**[1], by the Petitioners, assailing the **Order dated 22.03.2024**[2] passed by the **learned Administrative Civil Judge-cum-Additional Rent Controller (Central), Delhi**[3], in **RC ARC No. 313/2022**[4], titled *Manoj Kumar Gupta v. Nikunj Sharma & Anr.*, whereby the learned ARC dismissed the Petitioners' application seeking leave to defend and consequently passed an eviction order in respect of the **first floor, second floor and terrace**

[1] DRC Act
[2] Impugned Ored
[3] learned ARC
[4] Eviction Petition

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of property bearing Municipal No. 179–181, Chatta Bhawani Shankar, previously known as Chatta Jan Nisar Khan, Church Mission Road, Fatehpuri, Chandni Chowk, Delhi–110006[5].

BRIEF FACTS:

2. The Respondent instituted the Eviction Petition under Section 14(1)(e) read with Section 25-B of the Delhi Rent Control Act, 1958, seeking eviction of the Petitioners from the subject premises. Claiming ownership under a registered **Sale Deed dated 03.11.2015**[6], the Respondent asserted that the premises were *bona fide* required for running his business independently, particularly in view of the apprehended loss of possession of the premises from which he was then carrying on business.

3. The Petitioners sought leave to defend, disputing the identity of the subject premises, the Respondent's title and the existence of a landlord–tenant relationship. They contended that they occupied property bearing No. 178-179 and relied upon official documents and a site plan in support of their claim. They also questioned the Respondent's chain of title, the constitution of the tenancy, the non-impleadment of other legal heirs of the deceased tenant, the alleged threat of dispossession from the Respondent's existing business premises, and the availability of alternative commercial accommodation.

4. The Respondent opposed the application, maintaining that the Petitioners occupied the premises described in the Eviction Petition, that his title was sufficiently established, and that the property cited as

[5] subject premises
[6] Sale Deed

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alternative accommodation was being used for residential purposes.

5. *Vide* the Impugned Order, the learned ARC dismissed the application for leave to defend, holding that the Petitioners had failed to raise any triable issue, and consequently passed an eviction order in respect of the subject premises.

6. Aggrieved by the dismissal of their application for leave to defend and the consequential eviction order, the Petitioners have instituted the present Petition.

7. *Vide* Order dated 06.09.2024, this Court directed the Respondent not to initiate execution proceedings till the next date of hearing. Subsequently, *vide* Order dated 06.12.2024, upon considering the documents and photographs placed on record by the parties, this Court fixed user and occupation charges at Rs. 30,000/- per month with effect from 22.09.2024, subject to the final outcome of the present Petition. The continuation of interim protection was made conditional upon timely payment of the said charges.

SUBMISSIONS ON BEHALF OF THE PETITIONERS:

8. At the outset, learned counsel for the Petitioners would confine the challenge in the present Petition to the existence of the landlord-tenant relationship between the parties. He would submit that the learned ARC failed to appreciate the material discrepancies concerning the identity of the subject premises and the Respondent's claim thereto.

9. It would be contended that the property described in the Sale Deed relied upon by the Respondent is recorded as residential and not commercial, despite the Respondent claiming it for commencing a business therefrom. It would further be contended that the premises in

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occupation of the Petitioners bear a different municipal number, thereby raising a dispute as to whether the property described in the Sale Deed is the same premises as that in their occupation.

He would submit that these discrepancies raise a substantial dispute regarding whether the property claimed by the Respondent is the same as that occupied by them.

10. Learned counsel would further submit that the Respondent has not established any credible threat of dispossession from his existing business premises and that the alleged *bona fide* requirement is founded merely upon a notice issued by Punjab National Bank.

11. He would submit that the aforesaid circumstances, when considered cumulatively, ought to have persuaded the learned ARC to grant leave to defend, as they allegedly disclose triable issues concerning the Respondent's claim and the identity of the subject premises.

12. He would accordingly assail the Impugned Order as erroneous and perverse, and pray that the same be set aside.

SUBMISSIONS ON BEHALF OF THE RESPONDENT:

13. ***Per contra***, learned counsel for the Respondent would wholeheartedly support the Impugned Order and submits that the learned ARC has duly considered the objections raised by the Petitioners and returned findings on the basis of the material available on record.

14. It would be contended that the submissions advanced in the present Petition are, in substance, a reiteration of the arguments urged before the learned ARC, seeking nothing more than a different interpretation of the same material, which does not warrant

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interference in revisional jurisdiction.

15. Learned counsel would submit that the Petitioners' contention regarding the identity of the subject premises has been duly considered and rejected by the learned ARC, who found no substantial variance between the parties with respect to the identity of the premises, particularly when both parties acknowledged that M/s Laxmi Bilas Marwari Guest House was being run from the premises in question.

16. He would further submit that the Petitioners' challenge to the Respondent's title is unsubstantiated, as they have admitted that their predecessor-in-interest entered the premises as a tenant under the erstwhile owner, Mst. Fatima Begum, and the Respondent has relied upon a registered Sale Deed executed by her legal heirs.

17. Learned counsel would submit that the learned ARC accordingly held that the Respondent had sufficiently established a title superior to that of the Petitioners for the purposes of the proceedings under the DRC Act.

18. Learned counsel would further submit that the Petitioners have failed to demonstrate any perversity, patent illegality or material infirmity in the findings returned by the learned ARC warranting interference by this Court in the exercise of its limited revisional jurisdiction.

19. He would accordingly pray that the present Petition be dismissed.

ANALYSIS:

20. This Court has heard learned counsel appearing on behalf of the parties and, with their able assistance, perused the Impugned Order as

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also the material placed on record.

21. 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.

22. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***[7], ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***[8], and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***[9], 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.

23. 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.***[10], and ***Sanjeev Hiranandani v. Sunny Grover***[11].

24. 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

[7] (1998) 8 SCC 119
[8] (2014) 9 SCC 78
[9] (2022) 6 SCC 30
[10] 2024:DHC:9322
[11] 2025:DHC:11285

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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."

25. 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.

26. 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.

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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.

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

28. The relevant findings in the Impugned Order relating to the submissions that have been advanced by the Petitioners herein are as follows:

> "13. It is stated by the respondents that they have no concern with the demised premises, and are in fact tenants with respect to property bearing 178-179. A separate site plan has also been filed by the respondent. However, comparison of the same with the site plan filed by the petitioner reveals that the two are identical in all material respects. Both the parties have admitted that in the premises with respect to which the subject proceedings pertain, Laxmi Bilas Marwari Guest House is running. To that extent also, both the parties are not at variance as regards the identity of the demised premises. Only the respondents have set up a case that the premises bear the no. 178-179, but to substantiate their assertions, they have only relied upon certificates issued from the fire department, etc., which would have been issued on self-declaration basis, on information given to relevant authorities by the predecessor in interest of the respondents/respondents themselves. No other documents such as utility bill, etc. has been filed by them to show that the premises actually bear a different number than that described by the petitioner. Even if that is the case, as it is seen that both the parties agree that it is actually Laxmi Bilas Marwari Guest House which is being run out of the premises, this Court is of the considered opinion that there is no substantial variance between the parties as regards the identity of the demised premises. Even this objection taken by the respondents is liable to be repelled.

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14. The respondents have controverted the existence of landlord tenant relationship between the parties as well as the ownership of the petitioner by stating that the sale deed relied upon by the petitioner was executed in his favor not by the owner of the property Mst. Fatima Begum, but by complete strangers to the property. It is seen that the respondents have admitted that they entered the property as tenants of Mst. Fatima Begum. The sale deed relied upon by the petitioner is executed by the LRs of said Mst. Fatima Begum, as per the recitals of the sale deed itself. Now, for the respondents to say that Usman Khadija & Jamila are strangers to the property, despite them being described as LRs of Mst. Fatima Begum in the sale deed itself, is an averment, bald and unsubstantiated, which cannot be looked into for any favorable consideration. It is next stated by the respondents that they are occupying property bearing no. 178 and 179, and out of the same, property bearing 178 was earlier owned by one Mohd. Iqbal but the sale deeds relied upon by the petitioner do not advert to said Mohd. Iqbal at all, and therefore there is a defect in the title of the petitioner. In the considered opinion of this court, even this argument of the respondents is liable to be dismissed. Firstly, while stating that property bearing no. 178 belonged to Mohd. Iqbal, the respondents have not relied on any document to show the same. In the application for leave for defend, they have also adverted to earlier DR Petition filed by them, impleading only Mst. Fatima Begum as a respondent therein and not Mohd. Iqbal. If, as per the case of the respondent, Mohd. Iqbal was the joint owner of the property, they ought to have paid rent to said Mohd. Iqbal also. Non payment of any rent to any such Mohd. Iqbal and absence of any such pleading also makes the case of the respondent unbelievable. Even otherwise, since the respondents have admitted that their predecessor in interest entered into the property as tenants, it is not up to them to challenge the perfection of the title of the petitioner. In proceedings of this nature, the petitioner is only to show that he is something more than a tenant, and with the help of the sale deed set up by him, the petitioner has been successful in so establishing. On similar basis, the argument of respondent regarding discrepancy between the sale deed through which petitioner derives his title, and the sale deed through which his predecessor-in-interest purchased the demised premises, can be discarded. Reliance at this juncture can be placed upon *Rajender Kumar Sharma & Ors. Vs. Leelawati & Ors.* 155 (2008) DLT 383, wherein it has been held by Hon'ble High Court of Delhi that "landlord is not supposed to prove absolute ownership as required under Transfer of Property Act. He is required to show only that he is more than tenant." Further, once landlord has produced a document showing his ownership on record, he is deemed to have discharged his burden of ownership *vis-a-vis* the Rent Control Act and such a document can at best be challenged by the heirs of the owner and not by the tenant. Reliance being placed upon

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Plastichemicals Company Vs. Ashit Chadda & Anr., 114 (2004) DLT 408.

15. … … This Court is of the considered opinion that the petitioner has been able to establish both the existence of landlord tenant relationship between him and the respondents, as well as the fact that he is owner of the demised premises. Qua these two criterion, the respondents have not been able to raise any triable issue.

16. The respondents have stated that the petitioner has set up a false case and there is no actual threat of the property, from which he is running his business at present, being taken over by PNB, as bank officials are restrained by law from taking over the possession of any property which was already under a tenancy before the loan was advanced. This court does not find any merit in this defence raised by the respondents. The petitioner has proved on record that a notice of possession has indeed been served upon by PNB officials on the property out of which he runs his business as a tenant. The concern of the petitioner that he does not wish to run his business out of premises which is embroiled in litigation cannot be undermined. The petitioner cannot be faulted with for wanting to run his business out of the premises that he owns himself, instead of premises which are subject-matter of litigation pending between its owner and his creditor, and on the outer walls of which premises, a possession notice has been affixed. Even otherwise, the petitioner has stated that at present, the premises out of which he runs his business, is under the joint tenancy of him and his brothers, and since he owns the demised premises solely, it would be more convenient for him to run his business out of the same solely and without the interference of his brothers. Even this argument raised by the petitioner appears to be reasonable, and it appears that the petitioner has been able to disclose a bonafide need for seeking vacant possession of the demised premises. The respondents have been able to show the contrary."

29. In proceedings under Section 14(1)(e) read with Section 25-B of the DRC Act, the existence of a landlord–tenant relationship and the landlord's ownership of the premises to the extent recognised under law are material considerations.

30. At the stage of consideration of an application for leave to defend, the tenant is not required to establish the defence conclusively; it is sufficient if the defence discloses a triable issue, as explained in ***Abid-Ul-Islam*** (supra). However, a mere assertion, unsupported by material, would not by itself warrant the grant of leave

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to defend.

31. It is equally well settled that the landlord is not required to establish an indefeasible title to the premises as would be necessary in a suit for declaration of title. The requirement is to demonstrate a right superior to that of the tenant. Where the tenant admits that the tenancy originated under an erstwhile owner, a subsequent claim through such owner cannot be displaced by a bald denial of the landlord's title.

32. A perusal of the Impugned Order reveals that the learned ARC, while considering the objection concerning the identity of the subject premises, noted that the Petitioners claimed to be tenants in respect of property bearing Municipal No. 178-179, whereas the Respondent had described the premises as property bearing Municipal No. 179-181.

33. The learned ARC compared the respective site plans placed on record and found them to be identical in all material respects. It was further noted that both parties acknowledged that M/s Laxmi Bilas Marwari Guest House was being run from the premises in question. It was also observed that the documents relied upon by the Petitioners, including certificates issued by the Fire Department, did not conclusively establish a different municipal identity, particularly in the absence of supporting documents such as utility bills.

34. The aforesaid finding has been returned upon consideration of the pleadings and documents placed before the learned ARC. The Petitioners have not demonstrated that the site plans were materially misread or that any document having a direct bearing on the identity of the subject premises was disregarded. The mere assertion of a difference in municipal numbers, in the face of the material considered by the learned ARC, does not establish an error warranting interference in the present proceedings.

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35. The Petitioners have also disputed the Respondent's title and, consequently, his entitlement to claim the status of landlord in respect of the subject premises. In this regard, the learned ARC noted that the Petitioners had admitted that their predecessor-in-interest had entered the premises as a tenant under Mst. Fatima Begum. The Respondent, in turn, relied upon a registered Sale Deed, stated to have been executed in his favour by the legal heirs of Mst. Fatima Begum.

36. The learned ARC found that the Petitioners had not substantiated their assertion that the persons executing the Sale Deed were strangers to the property. It also noted that the Petitioners had not produced documentary material in support of their contention that property bearing Municipal No. 178 was owned by Mohd. Iqbal, or that the Respondent's chain of title was defective.

37. Therefore, the learned ARC proceeded on the footing that, for the purposes of proceedings under the DRC Act, the landlord was not required to establish absolute title in the manner required in a civil suit for declaration of ownership, but was required to demonstrate a title superior to that of the tenant.

38. Having regard to the admitted induction of the Petitioners' predecessor-in-interest as a tenant under the erstwhile owner and the Sale Deed relied upon by the Respondent, the learned ARC concluded that the Petitioners had failed to raise a triable issue regarding the Respondent's status as landlord.

39. This Court is unable to discern any patent illegality or perversity in the aforesaid reasoning. The question at this stage is not whether the Respondent has conclusively established an indefeasible title to the property against the world at large, but whether the material relied upon by him, considered alongside the Petitioners' own

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admissions and objections, was sufficient for the limited purpose of the eviction proceedings.

40. The Petitioners' challenge to the Respondent's title rests substantially upon their assertions regarding the municipal identity of the property, the alleged defect in the chain of title and the ownership attributed to Mohd. Iqbal. These objections were considered by the learned ARC, which found them unsupported by adequate material. No specific error in the appreciation of the relevant documents, or any material plea left unaddressed by the learned ARC, has been demonstrated before this Court so as to warrant revisional interference.

41. Further, the contention that the landlord-tenant relationship ceased to exist upon service of the legal notice dated 30.09.2020 was also considered and rejected by the learned ARC, observing that termination of the contractual tenancy does not, by itself, convert a tenant into an unauthorized occupant so as to defeat eviction proceedings under the DRC Act.

42. In the considered opinion of this Court, the aforesaid reasoning is consistent with the distinction between termination of a contractual tenancy and the continuance of statutory protection under rent control legislation. Accordingly, the mere fact that the Respondent had issued a notice terminating the tenancy would not, by itself, negate the relationship relevant to the maintainability of the eviction petition.

43. Viewed cumulatively, the findings recorded by the learned ARC demonstrate that the objections concerning the identity of the subject premises, the Respondent's title and the existence of the landlord-tenant relationship were considered and adjudicated upon.

44. The Petitioners have not shown that the findings are based on a

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wholly unreasonable view of the material on record, suffer from an error apparent on the face of the record, or disclose any material irregularity in the decision-making process. Accordingly, the present proceedings cannot be converted into an appeal for a fresh assessment of the same material merely because the Petitioners seek a different conclusion.

45. In these circumstances, and having regard to the limited scope of scrutiny under the proviso to Section 25-B(8) of the DRC Act, this Court finds no ground to interfere with the Impugned Order insofar as it concerns the existence of the landlord-tenant relationship between the parties and the challenge raised by the Petitioners, as confined during the course of these proceedings, accordingly fails.

CONCLUSION:

46. Accordingly, the present Petition, along with the pending application(s), if any, stands dismissed.

47. No order as to Costs.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 18, 2026/jk

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