



2026:DHC:5781



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 21.07.2026**

+ RC.REV. 231/2026, CM APPL. 45852/2026 (Stay), CM APPL. 45853/2026 (Delay 139 days.) & CM APPL. 45854/2026 (Ex.)

M/S DIGJAM LTD.

.....Petitioner

Through: Mr. Ashish Dholakia, Senior Advocate along with Mr. Adarsh Priyadarshi, Ms. Ananya, Ms. Sandhya and Mr. Suchit, Advocates.

versus

NISHA ARORA

.....Respondent

Through: Mr. Rajiv Dutta, Senior Advocate along with Mr. Siddharth Dutta and Mr. Pratyush Singh, Advocates.

CORAM:**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**% **JUDGEMENT (Oral)**

1. The present Revision Petition has been filed under Section 25B(8) of the **Delhi Rent Control Act, 1958**¹, seeking to set aside the **Order dated 06.01.2026**² passed by learned **Additional Rent Controller, New Delhi District, Patiala House Courts, Delhi**³, in Eviction Petition No. 30 RCA RC 20/23, titled “*Kranti Arora vs. M/s Digjam Ltd.*”, whereby the learned Trial Court has been pleased to pass an order of eviction under Section 14(1)(e) of the DRC Act on

¹ DRC Act² Impugned Order³ ARC



the ground that no application seeking leave to defend has been filed on behalf of the Respondent.

2. Learned Senior Counsel appearing on behalf of the Petitioner submits that the learned ARC has erred in passing the Impugned Order since the *bona fide* requirement pleaded by the landlord-late Shri Kranti Arora did not survive during the pendency of the eviction proceedings.

3. It is submitted that the eviction petition was principally founded upon the personal requirement of late Shri Kranti Arora, who, during the pendency of the said proceedings, unfortunately expired,

4. It is therefore contended that the very foundation of the eviction petition consequently ceased to exist and the learned ARC failed to appreciate the legal effect of the subsequent event.

5. In support thereof, he also draws attention of this Court to Paragraph No. 19 of the eviction petition to submit that the requirement pleaded therein was intrinsically linked with the medical condition of late Shri Kranti Arora, who required the premises for his residence in Delhi while undergoing treatment. Relevant portion of Paragraph no. 19 of the eviction petition is reproduced hereinbelow:

“19. That the Petitioner is aged around 78 years and is having no other accommodation for himself or his family even and owns just the said impugned flat premises. The Petitioner is in need of the said flat for his and wife's residence as he is suffering from various ailments and needs treatment in Delhi regularly for which at present he must undertake travel from Amritsar, despite having his own house in Delhi, access to which is deprived to him by the Respondent/Tenant.
.....”

6. It is further submitted that despite the aforesaid subsequent development, the learned ARC proceeded to hold that the requirement survived in favour of the widow of the original petitioner without there being any independent pleadings constituting such requirement.



In this regard, learned senior counsel draws the attention of this Court to paragraph no. 24 and paragraph no. 26 of the Impugned Order which reads as follows:-

“24. The present petition has been filed by averring that respondent is a tenant in Flat no. 12, Gauri Apartments, 3 and 4 Sourthend Lane, New Delhi-110001-1660Sg. Ft. + Servant Area (130 Sq. Ft.) + Area of Terrace (290 Sq. Ft.) as shown in the site plan annexed with the petition (hereinafter referred to as tenanted premises). It is stated that the petitioner requires the tenanted premises for the bonafide requirement of himself and his wife for their residence in Delhi as they have to regularly travel to Delhi from Amritsar as medical treatment is required in Delhi for various ailments.....

XXXXXX

26. The respondent is deemed to have admitted the relationship of landlord and tenant between. the petitioner and the respondent. Moreover, findings given in this regard by the Hon'ble High Court in previous litigation between the parties are not in dispute. He is also deemed to have admitted that the petitioner requires the tenanted premises for the bonafide need of himself and his wife for residence and that no other reasonably suitable accommodation is available to the petitioner. Even though, the petitioner has demised during the pendency of the petition, however, the need still subsists with respect to the wife of the deceased petitioner who is pursuing the present case.

.....”

7. **Per contra**, learned Senior Counsel appearing on behalf of the Respondent raises a preliminary objection to the maintainability of the present Petition. It is submitted that admittedly no application seeking leave to defend was ever filed by the Petitioner within the time prescribed under Section 25B(4) of the DRC Act. Consequently, the averments contained in the eviction petition stood statutorily admitted, and the learned ARC had no option except to pass an order of eviction.

8. Learned Senior Counsel further submits that the requirement pleaded in the eviction petition was never confined exclusively to late Shri Kranti Arora. The pleadings, read as a whole, clearly disclose that



2026:DHC:5781



the premises were required for the residence of both late Shri Kranti Arora and his wife and, therefore, the demise of late Shri Kranti Arora did not extinguish the *bona fide* requirement.

9. This Court has heard the learned counsel for the parties and, with their able assistance, perused the material available on record.

10. 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.

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

12. 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.**⁷, and **Sanjeev Hiranandani v. Sunny Grover**⁸.

13. 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

⁴ (1998) 8 SCC 119

⁵ (2014) 9 SCC 78

⁶ (2022) 6 SCC 30

⁷ 2024:DHC:9322

⁸ 2025:DHC:11285



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.”

14. 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.

15. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section



2026:DHC:5781



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.

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

17. At the outset, it is an admitted position that no application seeking leave to defend was filed by the Petitioner within the period prescribed under Section 25B(4) of the DRC Act. The statutory consequence flowing therefrom is explicit. Upon failure of the tenant to seek leave to defend, the averments contained in the eviction petition stand admitted by operation of law and the learned ARC becomes entitled to proceed in accordance with the statutory mandate.

Section 25B(4) of the DRC Act reads as follows:-

“(4) The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) in the form specified in the Third Schedule shall not contest the prayer for eviction from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction



2026:DHC:5781



on the ground aforesaid.”

18. The statutory scheme embodied in the aforesaid provision is couched in mandatory terms, as is evident from the use of the expression "shall not contest". The said expression must be accorded its plain and ordinary meaning. Consequently, unless a tenant files an application seeking leave to defend in the manner contemplated under the statute, the tenant stands precluded from contesting the prayer for eviction.

19. The said position was also affirmed by the Hon’ble Supreme Court in ***Prithipal Singh v. Satpal Singh***⁹, wherein it has been categorically observed that the procedure prescribed under Section 25(B) of the DRC Act constitutes a complete code in itself and that the requirement of filing an application seeking leave to defend within the prescribed period is mandatory. It has further been observed that, upon failure to seek such leave, the tenant forfeits the right to contest the eviction petition and the Controller is bound to proceed in accordance with the statutory mandate.

20. In the present case, the principal submission urged on behalf of the Petitioner is that, notwithstanding the fact that no leave to defend was filed before the learned ARC, the *bona fide* requirement pleaded by the Respondent in the eviction petition ceased to subsist upon the demise of late Shri Kranti Arora during the pendency of the eviction proceedings and therefore, the learned ARC erred in passing the Impugned Order without taking into consideration the legal effect of the said subsequent development.

21. This Court is unable to accept the aforesaid submission. A plain

⁹ (2010) 2 SCC 15



2026:DHC:5781



reading of Paragraph No. 19 of the eviction petition, extracted hereinabove, demonstrates that the requirement that was pleaded was not confined exclusively to late Shri Kranti Arora. The pleadings specifically disclose that the premises were required for the residence of both the late Shri Kranti Arora and his wife. The medical condition of late Shri Kranti Arora was undoubtedly one of the circumstances pleaded in support of the requirement. However, the requirement itself was not projected as being exclusively personal to him.

22. Once the eviction petition itself disclosed that the premises were required for the residence of both late Shri Kranti Arora and his wife, his subsequent demise, by itself, cannot be said to have rendered the eviction petition infructuous or extinguished the *bona fide* requirement pleaded therein.

23. It is also of significance that the Petitioner, despite being duly served, consciously chose not to file any application seeking leave to defend. Consequently, the averments contained in the eviction petition stood admitted by virtue of Section 25(B)(4) of the DRC Act.

24. Having permitted the statutory consequence to ensue, it is no longer open to the Petitioner, in exercise of the limited revisional jurisdiction of this Court, to invite a factual re-appreciation of the pleadings which stood admitted by operation of law.

25. Keeping in mind the aforesaid circumstances, this Court is of the considered opinion that the learned ARC has rightly observed that the *bona fide* requirement was not confined solely to late Shri Kranti Arora but extended to his wife as well and the said conclusion neither suffers from any jurisdictional error nor discloses any material irregularity warranting interference by this Court.

26. Before advertng to the final conclusion, this Court, turning to



2026:DHC:5781



the preliminary objection raised by the Respondent as regards the maintainability of the present Petition, is of the considered view that once a tenant has failed to avail the statutory remedy of filing an application seeking leave to defend within the period prescribed under Section 25B(4) of the DRC Act, cannot thereafter be permitted to invoke the revisional jurisdiction of this Court under the proviso to Section 25B(8) of the DRC Act to assail the consequential order of eviction. To hold otherwise would, in effect, amount to permitting the tenant to indirectly challenge the eviction order despite having consciously forfeited the statutory right to contest the eviction proceedings.

27. The mandate of Section 25B(4) of the DRC Act is unequivocal. The provision expressly stipulates that a tenant "*shall not*" contest the eviction petition unless leave to defend is sought and granted in the manner prescribed therein. It further provides that, upon failure to obtain such leave, the statements made by the landlord in the eviction petition "*shall be deemed to have been admitted*".

28. Once the statute itself attaches such consequences to the failure of the tenant to seek leave to defend, permitting the tenant to maintain a Revision Petition questioning the eviction order would defeat the legislative scheme embodied under Section 25B of the DRC Act. The revisional jurisdiction vested in this Court cannot be invoked to circumvent the statutory consequences flowing from the tenant's own omission.

29. Resultantly, this Court is of the opinion that entertaining the present Petition would amount to permitting the Petitioner to achieve indirectly what is expressly prohibited by the statute. Such an exercise would not only dilute the summary procedure envisaged under Section



2026:DHC:5781



25B of the DRC Act but would also render *otiose* the mandatory consequences contemplated under Section 25B(4) thereof.

30. The Court candidly admits that initially it was of the opinion that the petition was maintainable, but upon closer scrutiny realized that the statutory provisions would not permit the same.

31. Accordingly, *de hors* from the fact that this Court has independently examined the submissions advanced on behalf of the Petitioner on merits and found them to be devoid of substance, this Court is also of the considered opinion that the present Petition is not maintainable in law.

32. In view of the aforesaid discussion, the present Petition, being devoid of merit and otherwise not maintainable, is accordingly dismissed with costs of Rs. 25,000/-, to be deposited with the Delhi High Court Bar Association within a period of one (01) week from the date of this Judgment.

33. Pending application(s), if any, shall also stand disposed of.

HARISH VAIDYANATHAN SHANKAR, J.
JULY 21, 2026/nd/jk