



2026:DHC:5917



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 24.07.2026**

+ RC.REV. 256/2020, CM APPL. 32694/2020 (Stay), CM APPL. 46676/2022 (Delay of 75 days in filing the rejoinder), CM APPL. 46006/2023 (Dir.) & CM APPL. 58962/2023 (For deposit of use and occupation charges)

RAJESH KUMARPetitioner

Through: Mr. Sahil Monga, Mr. Nitin Kumar, Ms. Rudrakshi Gautam and Mr. Vipul, Advocates.

versus

JAGESH & ORS.Respondents

Through: Mr. Vivek B. Saharya, Mr. Nishant and Mr. Mohd. Ameer, Advocates.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (Oral)**

1. The present Petition, filed under Section 25B(8) of the **Delhi Rent Control Act, 1958**¹, seeks to assail the **Order dated 06.07.2020**² passed by the **learned ACJ-cum-ARC (Central), Tis Hazari Courts, Delhi**³ in an Eviction petition, being E-78036/2016, titled “*Sh. Jagesh & Others v. Sh. Rajesh Kumar*”, with respect to the tenanted premises bearing **Municipal No. 1013, Ward No. 3, Katra Ghee, Tilak Bazar, Phatak Hafiz Khan, New Delhi**⁴.

¹ DRC Act

² Impugned Order

³ learned ARC

⁴ subject premises



SUBMISSIONS ON BEHALF OF THE PARTIES:

2. Learned counsel appearing on behalf of the Petitioner restricts the challenge to the Impugned Order on two grounds viz., *firstly*, that the Respondents 1, 2 and 4 were not the landlords of the subject premises and therefore could not have instituted the eviction proceedings against the Petitioner and *secondly*, that certain subsequent events, *namely*, the sale of two residential properties, in 2012 and 2014 respectively, prior to the institution of the eviction proceedings and the acquisition of another residential property during the pendency of the proceedings in 2017, demolish the Respondents' plea of *bona fide* requirement.

3. Learned counsel for the Petitioner, elaborating the aforesaid first limb, contends that the relationship of landlord and tenant, if any, existed only between the husband of Respondent No.3, *namely*, Mr. Suresh Kumar, and the Petitioner and consequently with Respondent No.3, being the legal representative of Mr. Suresh, and not with Respondent Nos.1, 2 and 4.

4. Learned counsel for the Petitioner submits that the Sale deed, in respect of the subject premises, relied upon by the Respondents reflects only the name of one Mr. Suresh Kumar and does not establish any title in favour of Respondent Nos.1, 2 and 4.

5. It is further submitted that Respondent No.3 did not step into the witness box to establish the alleged ownership of Respondent Nos. 1, 2 and 4, nor was any Power of Attorney executed by her in favour of the witnesses who deposed on behalf of the Respondents. It is, therefore, contended that the Respondents failed to establish either their ownership or their status as landlords.

6. Further, on the second limb of the challenge, learned counsel



for the Petitioner submits that two residential properties situated in the vicinity of the tenanted premises were sold by the Respondents shortly before the institution of the eviction petition, while another residential property came to be acquired during the pendency of the proceedings.

7. Learned counsel for the Petitioner, accordingly contends that these subsequent events demonstrate that the Respondents had sufficient alternate accommodation and that the plea of *bona fide* requirement no longer survives.

8. **Per contra**, learned counsel appearing on behalf of the Respondents supports the Impugned Order. He submits that the learned ARC has exhaustively considered the question of ownership and landlord-tenant relationship and has rightly held that, for the purposes of Section 14(1)(e) of the DRC Act, the landlord is only required to establish a title better than that of the tenant.

9. In support of the aforesaid submission, learned counsel places reliance upon the judicial precedents referred to by the learned ARC in the Impugned Order itself. The relevant portion of the Impugned Order is reproduced in Paragraph 22 herein below.

10. Learned counsel for the Respondents further submits that, insofar as the plea with respect to alleged subsequent events regarding the sale and purchase of properties is concerned, the same neither formed part of the leave to defend Application filed by the Petitioner nor constitutes such exceptional circumstances as would warrant interference in the exercise of revisional jurisdiction.

11. Learned counsel for the Respondents submits that, in any event, the said properties were neither suitable nor sufficient to dislodge the Respondents' *bona fide* requirement.



ANALYSIS:

12. This Court has heard the learned counsel appearing on behalf of the parties and, with their able assistance, perused the material available on record.

13. 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.

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

15. 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.**⁸, and **Sanjeev Hiranandani v. Sunny Grover**⁹.

16. 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,

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



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.”

17. 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.

18. 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



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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.

19. 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.

20. Adverting now to the first limb of the challenge, this Court finds no infirmity in the findings recorded by the learned ARC. The learned ARC has considered the relevant sale deed, the partition deed and the documents placed on record while arriving at the conclusion that the Respondents had established a title superior to that of the Petitioner.

21. The learned ARC has also recorded that the relationship of Respondent No.3 with the remaining Respondents was never specifically disputed by the Petitioner.

22. At this juncture, it would be apposite to reproduce the relevant paragraphs of the Impugned Order, being Paragraph Nos. 16 to 20. The same read as under:

“16. Let's discuss the first ingredient/essential in detail :-

(i) Ownership as well as existence of landlord-tenant relationship:-

It is the case of the petitioners that the property bearing no. 1013, Ward No. 3, Katra Ghree, Tilak Bazar, Phatak Hafiz Khan, New



Delhi i.e. the '*tenanted premises*' was purchased by Sh. Brij Mohan and Sh. Suresh Kumar from the erstwhile owner, by way of registered sale deed which is exhibited as Ex. PW-1/1. However, after their death, the '*tenanted premises*' had devolved upon their legal heirs respectively, herein petitioner nos.1 to 3. However one of the LRs of Sh. Brij Mohan namely Smt. Raj Dulari sold the portion in the '*tenanted premises*', which came to her share vide registered Partition Deed to the petitioner No. 4. During pendency of the present petition, petitioner No. 1 Sh. Jagesh Kumar also expired and his LRs have been impleaded as petitioners No. 1/(a) to (c). Hence, all the petitioners have acquired the right/ share in the '*tenanted premises*'.

However, the respondent has denied the ownership of all the petitioners except of petitioner no.3 in his written statement and contended that they have not pleaded that they are the owners of the '*tenanted premises*'. It is also contended that as per the document filed on record only Sh. Suresh Kumar was the owner of the '*tenanted premises*'. The other petitioners have not filed any document qua their ownership. However, surprisingly it is stated that the father of respondent was allotted the '*tenanted premises*' in the year 1947, as it was a custodian property, but in later paras of the written statement it is admitted that his father was a tenant in the same. It is also admitted that only a small portion of the '*tenanted premises*' is being used for business purpose after getting permission from its owner long ago. It is lastly contended that the respondent has paid the rent upto 31.12.2007 of the '*tenanted premises*' to its owner Sh. Suresh Kumar through his authorised representative and thereafter no-one came to collect rent from the respondent, however he is willing to pay it to the rightful owner.

17. Even during the cross-examination, respondent/RW-1 admitted that the '*tenanted premises*' were in possession of his father since the year 1947-48 and he has been residing in the '*tenanted premises*' as a tenant. He has paid rent of the '*tenanted premises*' till the year 2007-08. The same is not denied in the final arguments also. Therefore, the contention that to mislead the Court the name of some Ajit Singh has been mentioned as of tenant, whereas the father of respondent was admittedly tenant inducted by the erstwhile owner, doesn't hold substance as it seems to be only clerical mistake and no suggestion as to same has been put to PW-1. Therefore, as per the pleadings and admissions during evidence, the respondent is a tenant in the '*tenanted premises*'.

18. The respondent has also not disputed the ownership and status of petitioner no.3 as landlady, being wife/LR of earlier owner late Sh. Suresh Kumar. However, he has denied ownership/ landlordship of petitioner no. 1,2 & 4 stating that they have not



filed any document on record to show their ownership in respect of the 'tenanted premises'.

But as per record, the petitioners have relied upon the photocopy of certified copy of sale deed in respect of the 'tenanted premises' as Ex. PW-1/1, the partition deed between the LR's of Sh. Brij Mohan as Mark 'A' & the copy of sale deed executed between Smt. Raj Dulari and Smt. Bimla Devi/ petitioner no.4 as Mark 'B'. All these documents *prima facie* points towards the ownership of the petitioners over the 'tenanted premises'. Further, the petitioner no.3 has not objected to their title and has rather filed the present petition jointly with them as co-owners. At this stage, the Court is guided by the following Judgments of the Superior Courts :-

(1) Judgment delivered by **Hon'ble Apex court in Shanti Sharma Vs. Ved Prabha AIR, 1987, SC 2028**, where it has been held that, "ownership is not to be understood as absolute ownership but only as a title better than the tenant".

(2) Judgment delivered by our **Hon'ble High Court in Rajendra Kumar Sharma & Ors Vs. Leelawati & Ors 155 (2008) DLT 383** wherein it has been held 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 a tenant".

The relation of the present petitioners with Late Sh. Brij Mohan and Sh. Suresh have also not been disputed or denied by the respondent. Therefore, all the LR's/ children of the co-owners/ co-landlords Sh. Brij Mohan and Sh. Suresh Kumar stepped into their shoes after their demise and became the landlords of the "tenanted premises" as per section 2 (e) of the Delhi Rent Control Act, 1958.

19. Regarding the contention of the respondent that the present petition is bad for mis-joinder of necessary party, as a single petition cannot be filed by the petitioner jointly claiming to be owner of different portions, it is well settled proposition of law that even a co-owner can demand eviction of the tenanted premises. Reliance is also placed upon the judgment in case titled as **M/s. India Umbrella Manufacturing Co. & Ors. Vs. Bhagabandel Agarwalla (dead) by LR's & Ors., AIR 2004 Supreme Court 1321**, decided by Hon'ble Supreme Court wherein it was held that "one of the co-owners can file a suit for eviction of a tenant in the property generally owned by the co-owners. This

principal is based on the doctrine of agency. One co-owner filing a suit for eviction against the tenant does so on his own behalf in his own right and as an agent of the other co-owners. The consent of other co-owners is assumed as taken unless it is shown that the



other co-owners were not agreeable to eject the tenant and the suit was filed inspite of their disagreement.”

In view of the aforesaid judgment of the Apex Court specifically on the Delhi Rent Control Act, 1958, the judgment filed on behalf of the respondent, which is on mis-joinder of necessary or proper parties under Specific Relief Act does not hold water.

20. Further, in the instant case, the co-owners have filed the present petition for eviction and there is no impediment to the same as the 'tenanted premises' is a single unit, being under tenancy of a single tenant.

With this background, the ownership of petitioners over the 'tenanted premises' as well as existence of landlord-tenant relationship between the petitioners and the respondent stands established.

23. A perusal of the aforesaid discussion leaves little room for doubt that the learned ARC has undertaken a detailed examination of the issue of ownership as well as the existence of the landlord-tenant relationship. The findings recorded are founded upon the material placed on record, the admissions made by the Petitioner and the settled legal position that, for the purposes of Section 14(1)(e) of the DRC Act, the landlord is only required to establish a title superior to that of the tenant.

24. This Court finds no jurisdictional error, material irregularity or perversity in the said findings warranting interference in exercise of the limited revisional jurisdiction under Section 25B(8) of the DRC Act.

25. The second limb of the challenge pertains to the alleged sale of two residential properties in the years 2012 and 2014 and the subsequent acquisition of another residential property in 2017 during the pendency of the proceedings.

26. This Court takes note of the fact that, admittedly, none of these



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aspects formed part of the leave to defend Application before the learned ARC. Equally, no satisfactory explanation has been furnished by the Petitioner as to why these facts could not have been brought to the notice of the learned ARC at the appropriate stage.

27. Even otherwise, the suitability and relevance of the said properties raise disputed questions of fact which cannot be examined for the first time in the limited revisional jurisdiction under Section 25B(8) of the DRC Act.

28. While this Court is conscious of the fact that, in an appropriate case, it may take note of subsequent events where they have a direct and material bearing on the relief sought, however such jurisdiction is to be exercised sparingly.

29. In the facts of the present case, the alleged subsequent events neither formed part of the leave to defend Application before the learned ARC nor are they of such an exceptional character as would justify reopening the findings recorded by the learned ARC.

30. In view of the foregoing discussion, this Court finds no jurisdictional error, illegality or material irregularity in the Impugned Order warranting interference in exercise of the limited revisional jurisdiction under Section 25B(8) of the DRC Act.

31. Accordingly, the present Revision Petition is devoid of merit and is, therefore, dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.
JULY 24, 2026/lp/DJ