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

Date of decision: 25.09.2026

CNR No. DLHC010233942026

+ **RC.REV. 185/2026**

MOHD IQBAL

.....Petitioner

Through: **Ms. Anita Dhingra, Advocate.**

versus

MOHAMMAD SIDIQUE

.....Respondent

Through: **Mr. Ajay Gupta, Advocate.**

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (Oral)

1. The present Revision Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958**¹ read with Section 151 of the Code of Civil Procedure, 1908, seeks to assail the **Order dated 16.04.2026**², passed by **learned ARC-01, Central District, Tis Hazari Courts, Delhi**³, in the **Eviction Petition, being RC ARC 37/2026**⁴, titled “*Mohammad Sidique vs. Mohd. Iqbal*”.

2. By way of the Impugned Order, the learned ARC rejected the Application seeking condonation of the delay of 14 days in filing the Application seeking leave to defend and proceeded thereafter to pass the order of eviction on the basis that, in terms of Section 25-B(4) of

¹ DRC Act

² Impugned Order

³ learned ARC

⁴ Eviction Petition



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the DRC Act, the averments made in the eviction petition would be deemed to be admitted by the tenant and the Respondent would consequently be entitled to an order for eviction.

3. Learned counsel appearing on behalf of the Petitioner would submit that the Application seeking leave to defend could not be filed on time since the Petitioner is a “simply illiterate person who could not comprehend the technicalities of summary procedure or the fatal nature of the 15 days deadline”. She would further submit that the Petitioner herein is a man of limited means and could not arrange funds for the litigation.

4. It is also averred that the Petitioner had to spend considerable time in gathering 34-year-old documentary evidence, *inter alia*, utility bills since 1994 and Court records from 2018 and that this task was an arduous one for an illiterate one. It is also submitted that the Petitioner suffers from ill health and is in the hospital.

5. *Per contra*, learned counsel appearing on behalf of the Respondent would submit that there is no infirmity in the Impugned Order passed by the learned ARC. He would submit that all these averments are bald and unsubstantiated and there is nothing to support these averments and therefore there is no infirmity in the Impugned Order passed by the learned ARC.

6. This Court has heard learned counsel for the parties and, with their able assistance, perused the relevant documents and material placed on record, including the Impugned Order.

7. 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



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proviso to Section 25B(8) of the DRC Act.

8. 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.

9. 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.

10. 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

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



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.”

11. 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.

12. 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 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.

13. 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 Order are required to be examined.

14. At the outset, it would be pertinent to mention that the application for condonation of delay did not form a part of the record filed before this Court. A copy of the application for condonation of delay as filed before the learned ARC was handed over across the bar.

The contents of the same reads as follows:

- “1. **THAT** the summons in the present petition were served upon the Respondent on **26.02.2026**. As per the summary procedure under Section 25B of the DRC Act, the 15-day period for filing the Leave to Defend expired on **13.03.2026**.
2. **THAT** the Respondent is filing the accompanying Leave to Defend today, **27.03.2026**, with a delay of approximately **14 days**.
3. **THAT** the said delay is **neither intentional nor motivated** by any desire to linger or obstruct the proceedings, but was a direct result of the Respondent's status as a **simple, illiterate person** who could not comprehend the technicalities of "Summary Procedure" or the fatal nature of the 15-day deadline.
4. **THAT** a substantial portion of the delay was caused by the **struggle of the Respondent in arranging litigation funds** from meagre sources and **seeking legal counsel and aid** to understand the implications of the summons.
5. **THAT** furthermore, the Respondent had to spend considerable time meticulously **gathering 34-year-old documentary evidence** (Utility bills since 1994 and previous Court records from 2018). This was an arduous task for an illiterate man, yet essential to support his claim of **Adverse Possession** and to expose the Petitioner's suppression of facts.
6. **THAT** it is a settled principle of law that "**Procedure is the handmaid of justice**"; it should not be used as a trap to penalize the illiterate, especially when the Petitioner has approached this Court with **unclean hands** by hiding that



his title was **extinguished** in 2011 under **Section 27 of the Limitation Act.**

7. **THAT** the Petitioner is guilty of *suppressio veri* (hiding the 2018 Case No. 503/2018), and as per the mandate of **S.P. Chengalvaraya Naidu v. Jagannath**, "Fraud vitiates everything." Therefore, a technical delay of 14 days by the Respondent cannot outweigh the substantive fraud committed by the Petitioner.
8. **THAT** no prejudice will be caused to the Petitioner if the delay is condoned, whereas the Respondent will suffer irreparable loss and be rendered homeless despite his **perfected title of 34 years.**"

15. It is also submitted by learned counsel appearing on behalf of the Petitioner that along with the Petitioner herein there are four other persons being the brothers of the Petitioner. It is also submitted by learned counsel appearing on behalf of the Petitioner that the subject premises are occupied by the Petitioner and numerous family members, *inter alia*, the Petitioner's brothers and their families as well.

16. This Court is of the view that the application for condonation of delay as filed and as extracted hereinabove is totally bereft of any particulars or any supporting documents and therefore, the first limb of the dual test as set out in Paragraph 26 of the judgment of this Court in **Director Directorate of Education & Anr. V. Mohd. Shamim & Ors.**¹⁰, is clearly not satisfied. The said paragraph reads as under:

"26. Having held so, we answer the question no.(A) framed in the referral order in the affirmative and with the condition that this Court would be empowered to set aside the order of eviction only if the tenant passes the dual test of prevented by reasons beyond control from applying for leave to defend within the prescribed time (as distinct from every default) and if makes out a substantial case for consideration of the application for leave to defend. We, however, in deference to Prithipal Singh supra choose/opt to not

¹⁰ (2020) 266 DLT 1



answer the question (B) framed in the referral order.”

17. At this juncture, this Court deems it appropriate to reproduce the finding rendered by the learned ARC, which reads as under:

“Ld. Counsel for respondent admits that the respondent was served on 26.02.2026 and the leave to defend has been filed on 27.03.2026 on behalf of the respondent and requested for condonation of delay of 14 days in filing the same. Even the report given by the Process Server corroborate such facts of service on respondent. Undisputedly, time of filing leave to defend has already expired.

It is well settled proposition of law that this court does not have any right to condone the delay of even a single day. In the case titled as "Ramesh Tuli Vs. Sharda Kapur 153 (2008) DLT 302. the Hon'ble High Court of Delhi has held as under:-

"The only question raised in this petition is whether the Additional Rent Controller has power to condone the delay in filing application U/Sec. 25-B of the Delhi Rent Control Act. The petitioner in this case was served with a notice of the petition filed U/Sec. 14 (1)(c) of the Delhi Rent Control Act r/w Sec. 25-B. The petitioner was supposed to file an application for leave to defend within 15 days however, the petitioner filed this application beyond the period of 15 days and was filed after about 22 days. The Ld. Additional Rent Controller dismissed the application and allowed the eviction petition. The issue raised by petitioner is no more res integr. This court in Prithi Pal Singh Vs. Satpal Singh, 133 (2006) DLT 686, had held that Court of Additional Rent Controller had no jurisdiction to entertain an application U/Sec. 25-B which is filed beyond the period of 15 days and the provisions of the Limitation Act are not applicable. The court had also referred to the decision of Hon'ble Supreme court in Prakash Jain Vs. Marie Fernandes VI (2003) SLT 266-2004 RLR 83 (SC) in support of this view. In view of settled proposition of law I find no merit in this petition. The petition is hereby dismissed."

It is the own case of the respondent, as mentioned in the leave to defend application, that he has been served on 26.02.2026. As per record, the leave to defend application has been filed by on 27.03.2026 which means that there has been a delay of 14 days in filing of the leave to defend application. It is not the case of the respondent that 13.03.2026 i.e. the last day for filing the leave to defend application was a holiday. It is trite that a Rent Controller



does not have the power to condone the delay in filing the leave to defend application whatever may be the circumstances.

In these circumstances, the delay cannot be condoned and the application for condonation of delay under Section 5 Limitation Act stands dismissed and the leave to defend application, having been filed beyond the statutory period, also stands dismissed.

Even though the application for leave to defend has been dismissed, the court still ought to satisfy itself that all ingredients of section 14(1)(e) of Delhi Rent Control Act have been made out. In this context, reliance is placed upon the decision of the Hon'ble High Court of Delhi in the case of Ramesh Basandara Vs. Moti Ram, 2003 RLR 539.”

(emphasis supplied)

18. Upon a perusal of the Impugned Order as well as the Application seeking condonation of delay, as filed before the learned ARC and handed over across the bar before this Court, this Court is of the considered view that it does not disclose any specific or cogent circumstances which prevented the Petitioner from filing the application seeking leave to defend within the statutorily prescribed period. The grounds urged therein, namely, that the Petitioner is a “simple and illiterate person”, was not conversant with the technicalities of the summary procedure, faced difficulty in arranging funds for litigation and required time to collect certain old documents, are stated only in general terms. No particulars have been furnished as to the steps allegedly taken by the Petitioner during the relevant period, the date on which he approached any legal counsel, the nature of the difficulty encountered in obtaining legal assistance, the circumstances in which funds could not be arranged, or the specific documents which could not be obtained within the prescribed period. Equally, no material has been placed on record to substantiate any of these assertions.



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19. The submissions regarding alleged ill health were never raised before the learned ARC. It is only in the Revision Petition that the alleged medical condition of the Petitioner has been sought to be elaborated. Assuming *arguendo* that the same would be taken into cognizance in the present proceedings, the documents produced in support of the medical condition in the alleged period are two medical prescriptions, one dated 06.03.2026 and the other dated 26.03.2026. Interestingly, the prescriptions bear different names. The date in the prescription dated 26.03.2026 seems to have been written with a different pen. The prescription dated 06.03.2026, does not even bear a doctor's name. All other medical documents are from a prior period in time.

20. In this regard, it is significant that the statutory scheme under Section 25-B of the DRC Act prescribes a specific and stringent period within which the tenant is required to seek leave to defend. The requirement is not merely procedural in character, since the consequence of failure to comply with the prescribed period is specifically provided for under Section 25-B(4) of the DRC Act. Consequently, an application seeking condonation of delay cannot rest merely upon a general assertion of hardship or a reference to the tenant's personal circumstances. The Court is required to examine whether the tenant was, in fact, prevented by circumstances beyond his control from approaching the Court within the prescribed period.

21. The judgment of this Court in ***Director Directorate of Education & Anr. (supra)*** is particularly apposite in this regard. The Court, while considering the circumstances in which an order of eviction could be interfered with where the tenant had failed to seek



leave to defend within the prescribed period, formulated a dual test. The tenant must, first, demonstrate that he was prevented by reasons beyond his control from filing the application for leave to defend within the prescribed period; and, secondly, make out a substantial case warranting consideration of the proposed application for leave to defend. The two requirements are cumulative and not alternative.

22. The first limb of the aforesaid test therefore requires something more than the mere existence of a plausible explanation. The tenant must place before the Court sufficient facts and material from which it can be concluded that the failure to comply with the statutory period was attributable to circumstances genuinely beyond his control. The expression “prevented by reasons beyond control” necessarily contemplates a causal connection between the circumstances relied upon and the inability to file the application within time. A bald assertion that the tenant was unaware of the procedure, was unable to arrange funds or required time to collect documents, without particulars demonstrating how such circumstances actually prevented compliance with the statutory timeline, would not by itself satisfy this requirement.

23. In the present case, the explanation furnished by the Petitioner does not establish such a causal connection. The Petitioner was served with summons on 26.02.2026 and the prescribed period expired on 13.03.2026. The application seeking leave to defend was admittedly filed only on 27.03.2026. Thus, the delay is not disputed. What is required to be established is the reason why, despite service of the summons and knowledge of the proceedings, the Petitioner was unable to take the necessary steps within the prescribed period. The



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application, however, does not identify any particular event or circumstance occurring between 26.02.2026 and 13.03.2026 which prevented the Petitioner from approaching the Court.

24. The plea of illiteracy, by itself, cannot constitute an automatic ground for condonation of delay. While the Court may undoubtedly take into consideration the educational and socio-economic circumstances of a litigant, such circumstances cannot dispense with the requirement of establishing that the litigant was actually prevented from complying with the statutory requirement. In the absence of any particulars as to when the Petitioner became aware of the nature of the proceedings, when legal assistance was sought, what impediment was encountered in obtaining such assistance, or why the application could not have been filed within the prescribed period, the plea remains a general assertion rather than a demonstrated cause for the delay.

25. The same reasoning applies to the plea regarding paucity of funds. The application does not disclose any substantial ground that rendered it impossible to take appropriate steps within the prescribed period. More importantly, there is no material on record demonstrating that the Petitioner remained unable to obtain legal assistance throughout the relevant period. In these circumstances, the mere assertion that the Petitioner was a person of limited means cannot, without more, establish that he was prevented by circumstances beyond his control from filing the application within time.

26. The explanation that considerable time was required for collecting 34-year-old documents also does not advance the Petitioner's case. The requirement to file an application seeking leave to defend within the prescribed period cannot be made contingent



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upon the tenant first assembling every document which he may ultimately seek to rely upon in support of his defence. If the Petitioner intended to rely upon utility bills, previous Court records or other documents in support of his proposed defence, it was incumbent upon him to explain why the absence of those documents made it impossible to file the application for leave to defend within time. No such explanation is forthcoming. The application, therefore, fails to demonstrate that the alleged exercise of collecting documents actually prevented compliance with the statutory timeline. The plea of illness was never taken before the learned ARC and the plea having been taken in this Petition is not supported with cogent and unambiguous evidence.

27. It is also pertinent that the application seeks to introduce, as reasons for the delay, substantive allegations concerning the alleged extinguishment of the Petitioner's title, suppression of a previous proceeding and the Petitioner's purported claim of adverse possession. These assertions may form part of the defence which the Petitioner proposes to raise in the eviction proceedings; however, they do not, in themselves, explain the delay in filing the application seeking leave to defend. The Court, while considering condonation, is required to first determine whether the Petitioner has established sufficient cause for the procedural default. The merits of the proposed defence cannot be permitted to substitute an explanation for the delay which has otherwise not been established.

28. The distinction assumes significance in the present case because the second limb of the dual test cannot be treated as a substitute for the first. A tenant may conceivably raise a defence which, if considered



on merits, may warrant consideration; nevertheless, unless the tenant first demonstrates that he was prevented by reasons beyond his control from seeking leave to defend within the prescribed period, the statutory consequence flowing from the failure to comply with Section 25-B cannot be displaced merely on the strength of the proposed defence.

29. Accordingly, this Court is of the view that the application for condonation of delay fails at the threshold. The Petitioner has not placed before the learned ARC, or before this Court, any particulars or supporting material sufficient to demonstrate that circumstances beyond his control prevented him from filing the application for leave to defend within the prescribed period. The first limb of the dual test laid down in *Director Directorate of Education & Anr. v. Mohd. Shamim & Ors.* (supra) is, therefore, not satisfied.

30. Once the first limb of the dual test remains unsatisfied, there is no occasion for this Court to embark upon an examination of the proposed defence or determine whether the Petitioner satisfies the second limb by disclosing a substantial case warranting consideration of the application for leave to defend. Such an exercise would, in the facts of the present case, amount to examining the merits of a proposed defence which was not accompanied by a legally sufficient explanation for the initial failure to comply with the mandatory statutory timeline.

31. This conclusion is also consistent with the limited scope of revisional jurisdiction under the proviso to Section 25-B(8) of the DRC Act. The question before this Court is not whether another view could have been taken by the learned ARC on the explanation



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furnished by the Petitioner, but whether the decision-making process discloses any jurisdictional error, material irregularity, perversity or error apparent on the face of the record warranting interference. In the absence of any material demonstrating that the learned ARC acted contrary to the applicable legal principles or failed to consider a material circumstance, no ground for exercise of revisional jurisdiction is made out.

32. The Impugned Order, therefore, does not warrant interference. The learned ARC was justified in declining to condone the delay in the absence of a satisfactory explanation establishing that the Petitioner was prevented by reasons beyond his control from filing the application for leave to defend within the prescribed period. Consequently, the statutory consequence under Section 25-B(4) of the DRC Act followed, and the order of eviction passed thereafter cannot be interfered with in the present proceedings.

33. The present Revision Petition, along with the pending application(s), if any, stands dismissed and disposed of in the aforesaid terms.

34. The date already fixed, i.e., 19.11.2026, stands cancelled.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 25, 2026/tk/va