



2026:DHC:8336



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 25.09.2026**# **CNR No. DLHC010393062023**

+ RC.REV. 269/2023, CM APPL. 51034/2023 (Seeking interlocutory relief) & CM APPL. 51035/2023 (Additional Evidence)

SHRI BALBIR SINGH KOHLI & ANR.Petitioners

Through: Mr. G.S. Raghav, Adv.

versus

SMT JYOTI SETHIRespondent

Through: Mr. Rajender Yadav, Adv.

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

1. The present **Rent Control Revision Petition¹** has been filed under Section 25B(8) of the **Delhi Rent Control Act, 1958²**, assailing the **Order dated 21.03.2023³**, passed by the **learned CCJ-cum-ARC, Central District, Tis Hazari Courts, Delhi⁴**, in **RC ARC No. 919/2028⁵**, titled *Smt. Jyoti Sethi v. Sh. Balbir Singh Kohli & Ors.*, whereby an application seeking leave to defend, filed by the Petitioners herein, came to be dismissed.

¹ Petition

² DRC Act

³ Impugned Order

⁴ learned ARC

⁵ Eviction Petition



2. Learned counsel appearing on behalf of the Petitioners, at the outset, submits that he is confining the challenge in the present proceedings to the question of the title claimed by the Respondent through Smt. Sunita Rani.

3. He submits that the Respondent claims ownership of the suit property on the basis of a **registered sale deed dated 22.08.2013**⁶ executed by Smt. Sunita Rani in her favour. According to him, however, Smt. Sunita Rani herself had no right, title or interest in the suit property and, consequently, could not have conveyed any title to the Respondent.

4. Learned counsel submits that the suit property, along with five adjoining properties/shops bearing Nos. 1103 to 1107, was originally owned by Smt. Chameli Devi. Upon her demise, according to the Petitioners, the property devolved upon her daughter, Smt. Raj Dulari. It is contended that Smt. Sunita Rani was neither the daughter of Smt. Raj Dulari nor did the property otherwise devolve upon her.

5. He submits that the Respondent's entire claim of title is founded upon a **Will dated 18.07.1963**⁷ executed by Smt. Chameli Devi, and that the bequest in favour of Smt. Sunita Rani could not have operated in the manner contended by the Respondent.

6. Learned counsel refers to the judgment of the Hon'ble Supreme Court in *N.P. Saseendran v. N.P. Ponnamma & Ors.*⁸, as also the judgment in *Inderjeet Kaur v. Nirpal Singh*⁹, in support of his submissions.

⁶ Sale Deed

⁷ Will

⁸ (2025) 7 SCC 502

⁹ (2001) 1 SCC 706



7. Learned counsel further submits that the disposition under the Will in favour of Smt. Raj Dulari was absolute. Consequently, once Smt. Raj Dulari had acquired an absolute interest in the suit property, Smt. Sunita Rani could not thereafter have acquired any right, title or interest in the same property under the said Will. It is, therefore, submitted that Smt. Sunita Rani could not have conveyed any valid title to the Respondent by way of the Sale Deed.

8. Learned counsel submits that the Respondent's title is thus purely derivative in nature and, if Smt. Sunita Rani herself had no subsisting title, the Respondent could not have acquired any better title from her.

9. He further relies upon the judgment of the Hon'ble Supreme Court in ***Bismillah Be (Dead) by Legal Representatives v. Majeed Shah***¹⁰, to contend that a derivative title can be questioned by a tenant where the tenant has not attorned to the person whose title is sought to be asserted against him.

10. He also submits that the manner in which the application seeking leave to defend was considered by the learned ARC is not in accordance with the principles governing such applications as laid down by the Hon'ble Supreme Court in ***Liaq Ahmed and Others v. Habeeb-ur-Rehman***¹¹.

11. **Per contra**, learned counsel appearing on behalf of the Respondent submits that the Petitioners are seeking to re-agitate issues which already stood raised before and considered by the learned ARC.

12. He submits that the scope of jurisdiction under Section 25B(8)

¹⁰ (2017) 2 SCC 274

¹¹ (2000) 5 SCC 708



of the DRC Act is limited and that this Court cannot, in exercise of revisional jurisdiction, undertake a fresh appreciation of the factual material merely because the Petitioners seek to invite a different conclusion from that arrived at by the learned ARC.

13. Learned counsel further submits that the learned ARC has considered the objection concerning the title of the Respondent in detail and has returned findings on the basis of the registered Will, the registered sale deed and, importantly, the conduct of the Petitioners as tenants.

14. This Court has heard learned counsel appearing on behalf of the parties and, with their able assistance, perused the Impugned Order as also the material placed on record.

15. 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.

16. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***¹², ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***¹³, and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***¹⁴, 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.

17. The aforesaid principles have also been reiterated and relied

¹² (1998) 8 SCC 119

¹³ (2014) 9 SCC 78



2026:DHC:8336



upon by Coordinate Benches of this Court, *inter alia*, in **Pankaj Pahwa v. Prem Wati & Ors.**¹⁵, and **Sanjeev Hiranandani v. Sunny Grover**¹⁶.

18. 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 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.”

19. In **Pankaj Pahwa** (supra), a Coordinate Bench of this Court,

¹⁴ (2022) 6 SCC 30

¹⁵ 2024:DHC:9322

¹⁶ 2025:DHC:11285



2026:DHC:8336



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.

20. 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.

21. 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.

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



2026:DHC:8336



“Landlord-Tenant Relationship and Ownership

14. In the present case, the petitioner claims herself to be the sole owner of suit property. She has filed copy of registered sale deed dated 22.08.2013 executed by Smt. Sunita Rani in favour of petitioner. The petitioner has also filed copy of rent receipts dated 06.11.2009 and of the year 2013 issued by Smt. Sunita Rani to the respondents. She also filed copy of letter of attornment dated 10.09.2013 issued by counsel of Smt Sunita Rani to the respondents. She has also filed copy of letters dated 18.05.2015 and 02.08.2017 whereby respondents were called upon to pay arrears of rent with 15% per annum interest. The petitioner has also filed postal receipts and AD card and claimed that the said letter and notices were served upon the respondents.

15. The respondents have alleged that the petitioner is neither the owner nor the landlady of the suit property. It is stated that the petitioner claims to have purchased the suit property from one Smt. Sunita Rani, who was also never the owner of the said property. The suit property including five other properties/shops adjacent to the suit property i.e. properties no 1103 to 1107 were owned by one Smt. Chameli Devi and after her death the said properties devolved upon her daughter Smt Raj Dular. Smt. Sunita Rani is neither the daughter of said Smt. Raj Dulari nor the said properties devolved upon her in any manner whatsoever Smt Sunita Rani had no right or authority whatsoever to execute any such sale deed in favour of the petitioner as alleged by the petitioner herein. The respondents have relied upon rent receipts dated 10.11.2000, 09.12.2000, 09.01.2001 and 10.02.2001 which were issued by Smt Raj Dulari.

16. In response, the petitioner stated that Sit. Sunita Rani became owner of the suit property by virtue of registered Will dated 18.07.1963 of Chameli Devi. The copy of said will was filed along with the petition alongwith its translation.

17. Now, it is not in dispute that the respondents are occupying the suit property as tenants. It is also not in dispute that the suit property was owned by Smt. Chameli Devi. It is also not in dispute that Smt Raj Dulari was the daughter of Smt Chameli Devi. It is also not in dispute that Smt. Chameli Devia and Smt. Raj Dulari have passed away.

18. As per the respondents, the suit property devolved upon Smt. Raj Dulari after the death of Smt. Chameli Devi and after the death of Smt. Raj Dulari, it devolved upon the legal heirs of Smt. Raj Dulari. On the other hand, the petitioner claims that Chameli Devi executed a registered Will before her death whereby she conferred a limited interest to Smt. Raj Dulari in the suit property and after the death of Smt. Raj Dulari, the granddaughter Smt. Sunita Rani was to get the suit property absolutely. The petitioner has filed translated copy of registered Will dated 21.09.1963 of Smt.



2026:DHC:8336



Chameli Devi,

19. At this juncture, I deem it fit to reproduce the relevant para of the will dated 21.09.1963 of Smt. Chameli Devi herein under:

'That after my death my property as schedule 'C' shall be solely owned by my daughter Smt Raj Dulari d/o Shri Hanuman Prasad wife of Shri Anand Singh r/o Mori Bazar, Dehradun and if she expires and my daughter has adopted Km. Sunita Ran d/o Prem Kumar Gupta and on her place the said Km. Sunita Rani shall become owner and she will enjoy all kinds of ownership rights of property schedule 'C' and she will have all pledge, sale, rights.'

20. Thus, it seems that the bequest of suit property in favor of Sunita Rani was conditional or contingent. The suit property was to vest in Sunita Rani only after the death of Raj Dulari. Admittedly, both Chameli Devi and Sunita Rani have expired. Thus, Smt. Sunita Rani acquired right in the suit property after the death of Raj Dulari.

21. The respondents contended that the petitioner has not proved that Smt. Raj Dulari has expired. The said contention is liable to be rejected. In leave to contest, the respondents have themselves alleged that the suit property has devolved upon legal heirs of Smt. Raj Dulari after her death. Since the factum of death of Smt. Raj Dulari was not disputed by the respondents, there was no need for the petitioner to file her death certificate.

22. The respondents have also contended that the petitioner has not filed any document to show that Smt. Sunita Rani was legally adopted by Smt. Raj Dulari. Again, the said contention is meritless and does not raise any triable issue. As regards validity of adoption is concerned, the same is immaterial for the present proceedings. Even if for the sake of arguments, it is assumed that adoption of Sunita Rani was not as per the law, it would not make any difference to the right acquired by Sunita Rani by virtue of the said Will as a Will can be executed in favour of any person.

23. Further, it is not the domain of the tenants/respondents to challenge the Will of the deceased landlady Chameli Devi. The respondents have nowhere alleged that the legal heirs of Chameli Devi or of Raj Dulari have challenged the said Will. The respondents have also not been able to show as to who else has claimed ownership over the suit property apart from the petitioner. They have also not disclosed as to whom they have been paying rent after the death of the original owner Chameli Devi and her daughter Raj Dulari. Thus, the objections with regards to the Will of Chameli Devi are unsustainable in law.

24. Pertinently, the petitioner has filed rent receipts dated 06.11.2009 for the payment of rent for the month of November,



2009 and of the year 2013 for the payment of rent for the period April to September, 2013 issued to the respondents. The said rent receipts bear the name/stamp of Smt Sunita Rani as well as Smt Raj Dulari. In the entire leave to defend, the respondents have not disputed the same. The respondents have also not disputed the receiving of letter of attornment dated 10.09.2013 and rent demand notices dated 18.05.2015 and 02.08.2017 issued by the petitioner. There is no explanation as to why they have not raised any objection with regard to claim of ownership/ land ladyship by the petitioner immediately after receiving of the said notices and as to why they have not filed interpleader suit impleading petitioner and all the legal heirs of the deceased Raj Dulari and ask the Court to decide as to who shall be the landlord/owner after the death of the Smt. Raj Dulari. It is settled law that where no interpleader suit is filed by the tenant and the tenant continues in possession after death of the original owner without demur and without raising an objection against the person, who claims to have acquired the property, he later on cannot challenge the ownership of such a person.

25. In the present case, the petitioner has filed the copy of registered sale deed of suit property executed by Smt. Sunita Rani in her favour. The petitioner has also filed copy will of original owner which shows that there was a testament in favour Smt. Sunita Rani. Thus, the petitioner has discharged her burden of proving the ownership under the DRC Act. The objections taken by the respondents with regard to ownership and land ladyship of the petitioner are meritless and do not raise any table issue.

26 Therefore, in the light of the pleadings of the parties and other material placed before this court, in so far as the purpose of clause (e) of sub- section (1) of section 14 of Act 59 of 1958 is concerned, the petitioner is found to be the owner of the suit property and it is also found that there exists relationship of landlord and tenant between the parties.”

23. A perusal of the aforesaid findings returned by the learned ARC reveals that the objections raised by the Petitioners with respect to the title of the Respondent were not left unconsidered. The learned ARC has examined the rival contentions, the documents relied upon by the respective parties and, in particular, the documents through which the Respondent claims to have derived title to the suit property.

24. The learned ARC has also considered the Petitioners' contention



regarding the title of Smt. Sunita Rani and the manner in which the property is stated to have devolved upon her. The learned ARC has taken into consideration the Will relied upon by the Respondent, as also the registered sale deed executed in favour of the Respondent. The learned ARC has further considered the rent receipts, the letter of attornment and the subsequent notices issued by the Respondent.

25. Thus, the finding returned by the learned ARC is not one rendered without consideration of the defence raised by the Petitioners. On the contrary, the material objections raised by the Petitioners have been noticed and dealt with, and the learned ARC has thereafter arrived at its conclusion with regard to the Respondent's status as the landlord/owner of the suit premises for the purposes of the proceedings under the DRC Act.

26. In fact, a perusal of the Impugned Order reveals that the learned ARC has dealt with each of the objections raised by the Petitioners in their application seeking leave to defend. The learned ARC has considered the respective claims regarding the devolution of the property, the title claimed by Smt. Sunita Rani, the Will relied upon by the Respondent, the registered sale deed in favour of the Respondent, as also the material relating to the landlord-tenant relationship between the parties.

27. The Petitioners are, therefore, essentially seeking to reagitate the very same issues which had already been urged before and considered by the learned ARC. This Court cannot, while exercising the limited revisional jurisdiction under the *proviso* to Section 25B(8) of the DRC Act, undertake a fresh appreciation of the material on record merely because the Petitioners seek to canvass another



2026:DHC:8336



interpretation thereof.

28. The judgments relied upon by the Petitioners, as also the judgments governing the scope of jurisdiction under Section 25B(8), lay down settled principles. However, the mere availability of a legal proposition does not, by itself, warrant interference in revision where the learned ARC has considered the defence raised before it and has returned a reasoned finding thereon.

29. The question before this Court is, therefore, not whether another view could possibly be taken on the material placed before the learned ARC. The question is whether the decision-making process adopted by the learned ARC suffers from such an error, illegality, perversity or material irregularity as would warrant interference in exercise of the limited revisional jurisdiction. In the considered opinion of this Court, no such infirmity is discernible in the Impugned Order.

30. It is also necessary to bear in mind the nature of the enquiry contemplated in proceedings under Section 14(1)(e) of the DRC Act. At this stage, the landlord is not required to establish a title in the nature of an adjudication in a civil suit concerning absolute ownership. What is required is that the person seeking eviction establishes the status of being the owner/landlord of the premises vis-a-vis the tenant for the purposes of the DRC Act.

31. In the present case, the Respondent has placed on record the registered Sale Deed executed in her favour by Smt. Sunita Rani, as also the registered Will of the original owner relied upon to establish the title of Smt. Sunita Rani. In addition thereto, the material relating to the landlord-tenant relationship, including the rent receipts, letter of attornment and subsequent rent demands, has also been placed on



record.

32. The principal submission of the Petitioners, however, is that the disposition contained in the Will in favour of Smt. Raj Dulari was absolute and, consequently, there could have been no subsequent disposition in favour of Smt. Sunita Rani. According to the Petitioners, therefore, Smt. Sunita Rani could not have acquired any title under the Will and, consequently, could not have conveyed any title to the Respondent under the Sale Deed.

33. The aforesaid submission has been specifically considered by the learned ARC. The learned ARC, upon perusing the relevant clause of the Will, understood the disposition in favour of Smt. Sunita Rani as being contingent upon the demise of Smt. Raj Dulari and consequently held that Smt. Sunita Rani acquired the right in the suit property upon the death of Smt. Raj Dulari. The Petitioners may seek to place a different interpretation upon the same testamentary document; however, the fact remains that the very contention now urged before this Court was placed before and adjudicated upon by the learned ARC.

34. Significantly, the Petitioners' challenge proceeds upon an alleged better title in favour of Smt. Raj Dulari. The Petitioners themselves, however, do not claim any proprietary interest in the suit property. They admittedly occupy the premises as tenants. Their objection is that Smt. Raj Dulari had acquired an absolute interest and that Smt. Sunita Rani could not thereafter have derived any interest under the Will.

35. If the contention of the Petitioners is that the absolute interest in the property had vested in Smt. Raj Dulari, then any challenge to the



subsequent testamentary disposition, on the ground that it was inconsistent with such absolute vesting, would essentially concern the rights of Smt. Raj Dulari and persons claiming through her. The Petitioners cannot themselves step into the position of Smt. Raj Dulari or her successors and assert a proprietary claim which they do not themselves possess.

36. This aspect assumes significance in the present case since there is no material on record to demonstrate that any legal heir or successor of Smt. Raj Dulari has challenged the Will or has asserted a competing title to the suit property. The learned ARC has specifically noticed that the Petitioners had not disclosed any person claiming ownership over the suit property apart from the Respondent.

37. The position is further reinforced by the fact that the Petitioners have not disputed their status as tenants in the suit property. The learned ARC has noticed the rent receipts issued in the name of Smt. Sunita Rani as well as Smt. Raj Dulari, the letter of attornment dated 10.09.2013 and the subsequent rent demand notices.

38. The Petitioners did not dispute receipt of these documents and have not explained why, upon receipt of the assertion of ownership by the Respondent, they did not take steps to have the competing claims adjudicated by impleading the persons whom they themselves assert to be entitled to the property.

39. The submission of the learned counsel for the Petitioners that a tenant can, in an appropriate case, question a derivative title, cannot be considered in isolation from the facts of the present case. The question before this Court is not whether a tenant can, in every conceivable circumstance, raise an objection to the title of a person claiming to be



2026:DHC:8336



his landlord. The question is whether, in the facts of the present case, the Petitioners have demonstrated such a defect in the decision-making process of the learned ARC as would warrant interference in revision.

40. Here, the learned ARC has considered the very objection raised by the Petitioners regarding the devolution of the property from Smt. Chameli Devi to Smt. Raj Dulari and thereafter to Smt. Sunita Rani. The learned ARC has also considered the Will itself and the surrounding material relating to the landlord-tenant relationship. Consequently, the Petitioners cannot now seek to convert the present revisional proceedings into a fresh adjudication upon the interpretation of the Will.

41. There is also no dispute that the Petitioners are tenants in the suit premises. The learned ARC has found that the Respondent has placed sufficient documentary material to establish her claim of ownership/landlordship for the purposes of the DRC Act. The question of absolute title, as between all persons who may potentially claim an interest in the property, is not the enquiry that falls for determination in the present proceedings.

42. In these circumstances, the Petitioners' submission that Smt. Sunita Rani could not have derived title under the Will amounts, at its highest, to an interpretation of the testamentary disposition different from that adopted by the learned ARC. Such a difference in interpretation, in the absence of an error apparent on the face of the record or any failure to consider the defence, cannot justify interference under the limited revisional jurisdiction.

43. A perusal of the Impugned Order, therefore, reveals that the



learned ARC has dealt with each of the objections raised by the Petitioners. The issue of the Will was specifically considered; the competing claims regarding devolution of the property were noticed; the documents relied upon by the Respondent were examined; and the conduct of the Petitioners as tenants was also taken into account.

44. The Petitioners, in substance, seek a fresh consideration of the same objections which have already been examined by the learned ARC. Such re-appreciation of the material is outside the permissible contours of the present revisional jurisdiction.

45. In the absence of any competing claimant asserting a better title, and in view of the documentary material relied upon by the Respondent, the learned ARC was justified in considering the Respondent to have discharged the burden required of her under the DRC Act.

46. Consequently, this Court finds that the Impugned Order does not suffer from any error apparent on the face of the record, jurisdictional infirmity, material irregularity or perversity warranting interference under the *proviso* to Section 25B(8) of the DRC Act.

47. In view of the aforesaid discussion, this Court finds no merit in the present Petition.

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

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 25, 2026/v/jk