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

Date of decision: 25.09.2026

CNR No. DLHC010025462025

+ **RC.REV. 30/2025**

GURCHARAN SINGH

.....Petitioner

Through: **Mr. Charanjeet Singh Bhalla,**
Advocate.

versus

KAMALJEET KAUR THAPAR @ KAMALJIT KAUR THAPAR

.....Respondent

Through: **Mr. Bhavya Sethi, Mr. Shiven Khurana, Mr. Apurva Ambasth and Mr. Manjit Singh,**
Advocates.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (Oral)**

CM APPL. 66510/2026 (Ex. From filing certified copies of annexures)

1. Allowed, subject to all just exceptions.
2. The Application stands disposed of.

CM APPL. 66509/2026 (Seeking Early Hearing by Petitioner)

3. The present Application has been filed under Section 151 of the Code of Civil Procedure, 1908, by the Applicant/Petitioner seeking early hearing of the captioned Petition, being RC.REV. 30/2025.
4. Learned counsel appearing for the Respondent submits that he has no objection to the application being allowed and the matter being taken up on today itself for final disposal.



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5. In view of the consent of the parties and for the reasons stated in the Application, the present Application is allowed and disposed of accordingly.

RC.REV. 30/2025

6. The present Revision Petition, filed under Section 25-B(1) of the **Delhi Rent Control Act, 1958**¹, seeks to assail the **Order dated 03.10.2024**², passed by **learned ARC-02, Central District, Tis Hazari Courts, Delhi**³, in the **Eviction Petition, being RC ARC 259/2024**⁴, titled “*Kamaljeet Kaur Thapar vs. Gurcharan Singh*”.

7. By way of the Impugned Order, the learned ARC has refused to take on record the Application seeking leave to defend on the ground that the prescribed period of limitation for filing the leave to defend application had expired since the Respondent had been served on 29.05.2024 and no leave to defend application came to be filed within the statutory period of 15 days thereafter.

8. Consequently, an Eviction Order came to be passed in favour of the Respondent herein with respect to **Shop No. 627 measuring 11.1/9 square yards without roof rights situated at Ward No. 1, Hamilton Road, Kashmere Gate, Delhi - 110006**⁵.

9. Learned counsel appearing on behalf of the Petitioner would submit that the Petitioner was not in Delhi on the date when the service is stated to have been effected. He would further submit that a copy of the Petition was, in fact, received by his brother and was not

¹ DRC Act

² Impugned Order

³ learned ARC

⁴ Eviction Petition

⁵ Subject Premises



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signed by him.

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

11. 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.

12. The contours of the aforesaid jurisdiction are well settled. The Hon'ble **Supreme Court**, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***⁶, ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***⁷, and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***⁸, 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.

13. 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.***⁹, and ***Sanjeev Hiranandani v. Sunny Grover***¹⁰.

14. 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

⁶ (1998) 8 SCC 119

⁷ (2014) 9 SCC 78

⁸ (2022) 6 SCC 30

⁹ 2024:DHC:9322

¹⁰ 2025:DHC:11285



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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.”

15. 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.

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



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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.

17. 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.

18. The relevant extract of the Impugned Order reads as under:

“According to the application filed by the respondent for condonation of delay in filing the leave to defend application, the service of petition was effected upon by the process served upon the brother of respondent when the respondent had gone to Punjab. However, the perusal of service report shows that service was effected upon respondent himself and was duly signed by the respondent.

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)(e) 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.



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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."

As such in view of settled proposition of law, this court does not have any jurisdiction to condone the delay as prayed by the respondent. Moreover, non-filing of leave to defend is also admitted by the respondent. As such present eviction petition is allowed.

Hence, as a consequence thereof, an eviction order is passed U/s. 14 (1) (e) of DRC Act in favour of petitioner and against the respondent in respect of shop bearing no. 627, measuring on 11.1/9sq. Yards without roof rights situated at ward no. 1, Hamilton Road, Kashmere Gate, Delhi-110006 shown in red colour in the site plan filed with the petition."

(emphasis supplied)

19. This Court is of the view that there is absolutely nothing on record to substantiate that the Petitioner was, as on that date, not in Delhi and was, in fact, in Punjab. There is nothing in support of this averment even in the application for condonation of delay which came to be filed before the learned ARC. The same is merely a bald averment made in the said Application as also in the present Revision Petition and sought to be submitted as such across the bar without any substantiation whatsoever.

20. The learned ARC, has, in complete negation of this presence of the Petitioner theory held that service was effected on the Petitioner and was duly signed by him. This finding is not even attempted to be controverted in the Petition.



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21. Furthermore, assuming *arguendo* that the case of the Petitioner that he was in Punjab is believed, there is no denial that the brother of the Petitioner had received the documents. There is no averment to the effect that the Petitioner and his brother are on inimical terms or that they were not in communication with each other. The version of the Petitioner, therefore, that he got to know about the present Petition only when he returned from Punjab is not believable.

22. Furthermore, the learned ARC has noted that the Petitioner has received the documents.

23. It is apparent that, in terms of the judgment of this Court in ***Director Directorate of Education & Anr. V. Mohd. Shamim & Ors.***¹¹ and in terms of Paragraph 26 thereof, the Petitioner would have to satisfy the dual test before the delay in filing of the application for leave to defend is taken on record. 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 answer the question (B) framed in the referral order.”

24. The aforesaid test necessarily requires the tenant, at the threshold, to furnish a cogent and credible explanation demonstrating that the failure to file the application for leave to defend within the prescribed period occurred on account of circumstances beyond his control. A mere assertion of lack of knowledge, unsupported by any material or surrounding circumstances, would not, by itself, satisfy

¹¹ (2020) 266 DLT 1



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this requirement.

25. In the present case, the Petitioner has failed to satisfy the first limb of the aforesaid dual test. The explanation furnished for the delay rests entirely upon the assertion that the Petitioner was in Punjab on the date of service. As already noticed, no material has been placed on record to substantiate the said assertion. More importantly, even assuming that the learned ARC's finding as regards the service upon the Petitioner and the same being signed by him is ignored, it is an admitted fact that the documents were received by his brother. No circumstances have been pleaded or established to explain why such receipt could not have resulted in the Petitioner acquiring knowledge of the proceedings within the prescribed period.

26. The explanation furnished by the Petitioner, therefore, does not disclose any circumstance which can reasonably be regarded as being beyond his control and which prevented him from approaching the learned ARC within the statutory period. The delay, consequently, cannot be attributed to any exceptional circumstance warranting exercise of the Court's revisional jurisdiction.

27. It is necessary, in this regard, to bear in mind the special statutory scheme governing proceedings under Section 25B of the DRC Act. The provision prescribes a specific period within which the tenant is required to file an application seeking leave to defend. The requirement is integral to the summary procedure contemplated under Section 25B and cannot be treated as a mere procedural formality. The statutory consequence of failure to comply with the prescribed period cannot, therefore, be displaced merely on the basis of an unsubstantiated explanation.



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28. The limited revisional jurisdiction of this Court under the proviso to Section 25B(8) further circumscribes the scope of interference in such circumstances. This Court is not exercising appellate jurisdiction and is not required to undertake a fresh appreciation of the material to arrive at an independent conclusion merely because another view may be possible. The question is whether the learned ARC, in refusing to entertain the belated application for leave to defend and proceeding in accordance with the statutory scheme, committed any jurisdictional error, material irregularity, perversity or error apparent on the face of the record.

29. This Court finds no such infirmity in the Impugned Order. The learned ARC proceeded on the basis that the Petitioner had been duly served on 29.05.2024 and that the statutory period of 15 days for filing the application for leave to defend had thereafter expired. The Petitioner has failed to demonstrate that the said finding suffers from any patent illegality or perversity. Equally, no material has been placed before this Court which would warrant a conclusion that the learned ARC adopted an erroneous or legally impermissible approach in declining to take the belated application on record.

30. Since the Petitioner has failed, in the first instance, to establish that he was prevented by reasons beyond his control from filing the application for leave to defend within the prescribed period, the foundational requirement for reopening the proceedings itself remains unsatisfied. Consequently, it is not necessary for this Court to examine the second limb of the dual test, namely, whether the Petitioner has disclosed a substantial defence warranting consideration of the application for leave to defend. The failure to satisfy the first limb is,



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in the facts of the present case, sufficient to disentitle the Petitioner to the relief sought.

31. In any event, permitting a belated application in the absence of any cogent or compelling explanation would amount to diluting the statutory scheme governing proceedings under Section 25B of the DRC Act. The revisional jurisdiction conferred upon this Court cannot be invoked merely to enlarge the period prescribed by the statute where the tenant has failed to establish circumstances beyond his control which prevented timely compliance.

32. The material on record, therefore, does not disclose any circumstance warranting interference with the Impugned Order. The finding of the learned ARC that the application for leave to defend was filed beyond the prescribed period is neither shown to be unsupported by the record nor vitiated by any jurisdictional error, material irregularity or perversity. The Petitioner has also failed to establish any error apparent on the face of the record in the decision-making process adopted by the learned ARC.

33. The present case, accordingly, does not fall within the limited parameters within which this Court may exercise revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act. The jurisdiction of this Court cannot be converted into an appellate examination of the sufficiency of the Petitioner's explanation, particularly when the explanation itself is unsupported by any material and does not disclose circumstances beyond his control.

34. For the aforesaid reasons, this Court finds that the Petitioner has failed to demonstrate any legally sustainable ground for condoning the delay in filing the application for leave to defend or for interfering



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with the consequential eviction order passed by the learned ARC. The Impugned Order, therefore, does not warrant interference in exercise of the revisional jurisdiction of this Court.

35. In view of the foregoing discussion, no cogent or compelling reason has been forthcoming, explaining the alleged exceptional circumstances under which the leave to defend application could not be filed. In view thereof, this Court finds no merit in the present Petition.

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

37. The next date already fixed, i.e., 13.10.2026, stands cancelled.

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