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

Date of decision: 26.11.2026

\# **CNR No. DLHC010870272017**

\+ RC.REV. 114/2017, CM APPL. 9094/2017 (Stay), CM APPL. 40415/2017 (U/O 41 Rule 27) & CM APPL. 10935/2023 (For use and occupation of the suit premises)

DARSHAN SINGH .....Petitioner

Through: Mr. Rohan Taneja, Mr. Lalit Kumar, Mr. Hrithik Kumar, Mr. Raghav Kalra and Mr. Deepak Kumar Chauhan, Advocates.

versus

SALEHA KHATOON & ORS .....Respondents

Through: Mr. M. Salim and Mr. Sadaat Salim, Advocates.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (Oral)**

1. The present Petition has been filed under Section 25-B(8) of the Delhi Rent Control Act, 1958 ["**DRC Act**"], read with Article 227 of the Constitution of India, 1950, assailing the Order dated 03.10.2016 ["**Impugned Order**"] passed by the learned CCJ-cum-ARC-01 (Central), Tis Hazari Courts, Delhi ["**learned ARC**"] in E. No. 282/15 (New No. 77714/16).

2. The challenge raised by learned counsel appearing on behalf of the Petitioner is confined to the failure of the learned ARC to adjudicate upon a specific contention raised by the Petitioner in the

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application seeking leave to defend, concerning the Respondents' claim of being the legitimate successors-in-interest of the original owner of the suit premises.

3. It is submitted that the Petitioner had specifically disputed the relationship of the Respondents with the original owner and had contended that no documentary material had been placed on record to establish the alleged relationship or their entitlement to claim through the original owner. However, the learned ARC, without returning any finding on the aforesaid contention, proceeded on the premise that the Respondents were the legitimate successors-in-interest of the original owner. It is, therefore, contended that the failure to adjudicate upon a specific and material plea raised by the Petitioner renders the Impugned Order unsustainable in law.

4. ***Per contra***, learned counsel appearing on behalf of the Respondents supports the Impugned Order and submits that the same does not suffer from any illegality or infirmity warranting interference by this Court in exercise of its limited revisional jurisdiction.

5. No other submissions were advanced on behalf of the parties.

ANALYSIS:

6. This Court has heard learned counsel for the parties and, with their assistance, perused the Impugned Order, as well as the material placed on record.

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

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8. The contours of the aforesaid jurisdiction are well settled. The Hon'ble **Supreme** Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***[1], ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***[2], and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***[3], 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.***[4], and ***Sanjeev Hiranandani v. Sunny Grover***[5].

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 power of revision against an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the

[1] (1998) 8 SCC 119
[2] (2014) 9 SCC 78
[3] (2022) 6 SCC 30
[4] 2024:DHC:9322
[5] 2025:DHC:11285

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> 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. Thus, while the scope of interference under the aforesaid provision is undoubtedly restrictive, the same does not denude this Court of its jurisdiction to correct an order where a material plea, having a direct bearing on the controversy, has been left wholly unadjudicated. The supervisory jurisdiction of this Court extends to examining whether the learned ARC has duly considered the material contentions raised by the parties and whether the decision-making process conforms to the statutory scheme governing the grant or refusal of leave to defend. An omission to adjudicate upon a material defence cannot be insulated from revisional scrutiny merely on the ground that the jurisdiction exercised by this Court is limited.

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13. It is within the aforesaid parameters of revisional scrutiny that the limited ground urged by learned counsel for the Petitioner is required to be examined. In this regard, it would be apposite to notice the relevant observations contained in the Impugned Order, which read as under:

> "**15.** No doubt the letter dated 18.09.1952 was written by Sh. Gurdial Singh, i.e., predecessor-in-interest of respondent no. 1 to the Assistant Custodian for declaring the property in question to be an evacuee property and sought permission to pay rent directly to the Assistant Custodian. However, after the said letter, an appeal against the order of the Custodian was preferred and an order dated 07.02.1963 was passed, whereby the predecessor-in-interest of the petitioners was declared to be the owner/landlord of the suit property and the predecessor-in-interest of respondent no. 1 was directed to attorn in favour of the predecessor-in-interest of the petitioners. Perusal of order dated 07.02.1963 clearly shows that earlier order was set aside and the appeal of the predecessor-in-interest of the petitioners was allowed. Thereafter, vide letter dated 22.04.1963, the predecessor-in-interest of the respondent Sh. Gurdial Singh was informed by the office of the Custodian of Evacuee Property that the property in question has been released in favour of Sheikh Aftab Ahmad Multani son of Hafiz Mohd. Sadiq Multani and the predecessor-in-interest of respondent no. 1 was directed to deposit rent with Sheikh Aftab Ahmad Multani. The authenticity of these documents has not been disputed by the respondent. The only contention made by the respondent is that even if it is believed that the said order dated 07.02.1963 had obtained finality, then also, since nobody came forward to demand rent after passing of the said order, therefore, there is no relationship of landlord and tenant between the petitioners and the respondent. Per contra, it is submitted by the petitioners that rent was demanded from the respondents several times but they failed to pay the same. Further, since vide letter dated 22.04.1963, the predecessor-in-interest of the respondent Sh. Gurdial Singh was informed by the office of the Custodian of Evacuee Property that the property in question has been released in favour of Sheikh Aftab Ahmad Multani, therefore, it was not required by the petitioners or their predecessor-in-interest to again send letter of attornment in favour of predecessor-in-interest of the petitioners."

14. A perusal of the Impugned Order, in its entirety, reveals that although the learned ARC has adverted to the historical documents

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concerning the ownership and release of the suit premises, there is no discussion or adjudication on the specific contention raised by the Petitioner disputing the relationship of the Respondents with the original owner and the documentary basis of their claim as successors-in-interest. The Impugned Order, therefore, proceeds to recognise the Respondents' claim through the predecessor-in-interest without examining the specific objection raised in this regard.

15. Significantly, the aforesaid contention was not raised for the first time before this Court. The same finds specific mention in paragraph 2(e) of the Affidavit filed along with the application seeking leave to defend dated 23.01.2016. The relevant portion thereof is extracted hereinbelow:

> "(e) That the petitioners herein have miserably failed to produce any document which could establish their relationship with original owner of the suit premises. Mere belonging to the same community or having the same surname does not under the law make any one eligible for inheritance of the suit premises. The petitioners herein have filed a false and frivolous case by concocting false stories and have adopted a frivolous method to get an eviction order in respect of the property in question which never belonged to them at any point of time."

16. The aforesaid plea, when examined in the context of the controversy before the learned ARC, cannot be regarded as an incidental or peripheral contention. The Petitioner had specifically questioned the very basis on which the Respondents claimed to derive their entitlement to maintain the eviction proceedings through the original owner. The learned ARC was, therefore, required to examine the aforesaid objection and consider whether the material placed on record adequately addressed the same and whether the contention, if established, would have any bearing on the maintainability of the eviction proceedings or the existence of the landlord-tenant

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relationship. The mere reference to the historical documents concerning the suit premises, without adjudicating upon the specific objection regarding the Respondents' claimed relationship with the original owner, does not constitute consideration of the plea in question.

17. At this stage, it is pertinent to reiterate that this Court is not required to undertake an independent examination of the rival claims concerning succession or return any finding on the entitlement of the Respondents to claim through the original owner. Equally, the Petitioner cannot claim interference merely on the basis of a bare assertion. However, where a specific plea has been raised in the application seeking leave to defend, and the same has a material bearing on the controversy, the learned ARC is required to examine the same in accordance with the settled principles governing the grant or refusal of leave to defend under Section 25-B of the DRC Act. The failure to undertake such an exercise constitutes an infirmity in the decision-making process and falls within the limited parameters of revisional scrutiny recognised by the Hon'ble Supreme Court in ***Abid-Ul-Islam*** (supra).

18. In view of the foregoing discussion, this Court is of the considered opinion that the Impugned Order suffers from an omission to adjudicate upon a material plea specifically raised by the Petitioner in the application seeking leave to defend. Accordingly, the present Revision Petition is allowed. The Impugned Order dated 03.10.2016 is hereby set aside and the matter is remanded to the learned ARC for fresh consideration of the application seeking leave to defend, on its own merits and in accordance with law, after duly considering the

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aforesaid contention along with the other pleadings and material available on record.

19. It is clarified that this Court has not expressed any opinion on the merits of the rival contentions, and the learned ARC shall undertake the aforesaid exercise uninfluenced by any observations made herein.

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

21. Considering the vintage of the matter, the learned ARC shall endeavour to dispose of the Eviction Petition expeditiously, preferably within a period of eighteen (18) months from the date of receipt of this Order.

22. List before the learned ARC on 15.12.2026.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 26, 2026/nd/ma

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