



2026:DHC:6069



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

Date of decision: 29.07.2026

+ RC.REV. 251/2026, CM APPL. 48712/2026 (Stay), CM APPL. 48713/2026 (Ex. From filing the certified copies of annexures) & CM APPL. 48714/2026 (Delay of 14 days in Re-filing the petition)

SARABJEET KAURPetitioner
Through: Mr. B.L. Gupta, Advocate.

versus

RAMA GUPTARespondent
Through: Mr. Yash Gupta, Advocate.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **JUDGEMENT (Oral)**

1. The present Revision Petition, filed under Section 25B(8) of the Delhi Rent Control Act, 1958 [**“DRC Act”**], seeks to set aside the Impugned Order dated 28.04.2026 [**“Impugned Order”**] passed by the learned ARC, in Eviction Petition, being RC ARC No. 88/2024, titled *“Smt. Rama Gupta vs. Sarabjeet Kaur”*, whereby the leave to defend application filed by the Petitioner came to be dismissed and an eviction order was passed in favour of the Respondent.

2. Learned counsel appearing for the Petitioner submits that the Impugned Order has been passed without jurisdiction inasmuch as the son of the Respondent, in a suit instituted by him against the husband of the Petitioner, had specifically pleaded that rent was being paid at the rate of ₹14,800/- per month.



3. It is, therefore, submitted that the said pleading constitutes an admission on the part of the Respondent regarding the quantum of rent and consequently takes the premises outside the purview of the DRC Act. No other submissions were advanced by the Petitioner.

4. This Court has heard the learned counsel for the Petitioners and, with his able assistance, perused the material available on record.

5. 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.

6. 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.

7. 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.

8. 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

¹ (1998) 8 SCC 119

² (2014) 9 SCC 78

³ (2022) 6 SCC 30

⁴ 2024:DHC:9322

⁵ 2025:DHC:11285



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.”

9. 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.

10. In view of the foregoing discussion, the position which emerges



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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.

11. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged on behalf of the Petitioner against the Impugned Order are required to be examined.

12. Coming to the facts of the present case, the principal contention advanced on behalf of the Petitioner is that the learned ARC lacked jurisdiction taking the premises outside the purview of the DRC Act, inasmuch as the son of the Respondent, in a civil suit instituted against the husband of the Petitioner, had pleaded that rent was being paid at the rate of ₹14,800/- per month.

13. This Court has considered the aforesaid submission and takes note of the fact that the learned ARC has specifically dealt with the aforesaid contention in the Impugned Order. The relevant discussion, contained in Paragraph No. 19 thereof, read as under:

“19. The other claim that the security amount of Rs. 15000/- was given to the petitioner at the time of inception of the tenancy, does not mean that the rate of rent is Rs. 15,000/- per month when she herself has stated in the suit filed by her that monthly rent is Rs.



2,000/- p.m. The other fact, that the son of the petitioner had claimed the rate of Rs. 14,800/- in a suit filed by him against the husband of the respondent also signifies nothing as the same was dismissed and hence, the admission of the respondent in any case prevail over any such suit filed against any person who is not her. Thus, the respondent cannot be allowed to blow hot and cold at the same time. Further, the claim of the respondent that the petitioner has not filed any family settlement on record, is also devoid of any merits, as it is a matter between the petitioner and her family members which they can agree upon orally also.”

(Emphasis supplied)

14. A perusal of the aforesaid discussion leaves no manner of doubt that the learned ARC consciously adverted to the very contention now sought to be urged before this Court. Upon evaluating the said plea, the learned ARC found that the statement made by the son of the Respondent in an independent suit, could not override the Petitioner’s own admission regarding the rate of rent, particularly when the said suit itself stood dismissed.

15. This Court is of the considered view that once the learned ARC has considered the aforesaid contention and returned findings thereon, this Court, while exercising its limited revisional jurisdiction under Section 25B(8) of the DRC Act, cannot re-appreciate the material merely because the Petitioner seeks a different conclusion. No jurisdictional error, material irregularity, patent illegality or perversity is demonstrated in the Impugned Order warranting interference.

16. Accordingly, the present Revision Petition, being devoid of merit, is dismissed.

17. The present Petition, along with pending Application(s), if any, shall stand disposed of in aforementioned terms.

HARISH VAIDYANATHAN SHANKAR, J.

JULY 29, 2026/v/dj