



2026:DHC:6158



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

Date of decision: 30.07.2026

+ RC.REV. 86/2024

DR MIRZA NAJAMUDDIN BEGPetitioner

Through: Mr. Vishal Bakshi, Ms. Hina
Shaheen and Mr. Devesh
Mishra, Advocates.

versus

MR JYOTI DUGGALRespondent

Through: Mr. S.N. Choudhri, Ms. Shruti
Choudhri and Mr. Deepak
Khattar, Advocates.

CORAM:

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

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JUDGMENT (Oral)

1. The present Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, challenging the **Order dated 11.12.2023²**, passed by the **learned ARC-01 (Central), Tis Hazari Courts, Delhi³**, in Eviction Petition bearing No. 132/2022 (RC-ARC 467/2022) titled "*Dr. Mirza Najamuddin Beg v. Jyoti Duggal*".

2. Learned counsel appearing on behalf of the Petitioner submits that the learned ARC has committed a manifest error in granting leave to defend. He submits that the learned ARC has proceeded on conjectures while dealing with the issue of alternate accommodation and has failed to appreciate that no triable issue, as contemplated

¹ DRC Act

² Impugned Order

³ learned ARC



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under Section 25B of the DRC Act, arose on the pleadings.

3. He further contends that the observations made by the learned ARC regarding the alleged availability of alternate accommodation are not founded on any substantive material and that the learned ARC has proceeded merely on the basis of bald assertions made in the leave to defend application.

4. He also submits that the learned ARC ought to have examined whether the alleged accommodation was, in fact, available to the Petitioner and whether the same constituted a reasonably suitable alternative so as to disentitle him from seeking eviction.

5. **Per contra**, learned counsel appearing on behalf of the Respondent supports the Impugned Order and submits that the Respondent had disclosed sufficient material to raise a *bona fide* triable issue regarding the availability of alternate accommodation.

6. He submits that once such a triable issue arose from the pleadings and the material placed before the learned ARC, grant of leave to defend was the only course open and no interference is warranted in exercise of the limited revisional jurisdiction of this Court.

7. This Court has heard learned counsel appearing on behalf of the parties and, with their assistance, perused the material available on record, including the Impugned Order.

8. 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.

9. The contours of the aforesaid jurisdiction are well settled. The



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Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*⁴, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁵, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁶, 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.

10. 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.*⁷, and *Sanjeev Hiranandani v. Sunny Grover*⁸.

11. 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 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.

⁴ (1998) 8 SCC 119

⁵ (2014) 9 SCC 78

⁶ (2022) 6 SCC 30

⁷ 2024:DHC:9322

⁸ 2025:DHC:11285



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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.”

12. 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.

13. 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



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error apparent on the face of the record, exercise of revisional jurisdiction may be warranted.

14. 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.

15. The principal grievance urged on behalf of the Petitioner is that the learned ARC failed to consider whether the alleged alternate accommodation was, in law, reasonably suitable and instead proceeded to grant leave to defend merely on the basis of assertions made by the Respondent.

16. The relevant observations of the learned ARC on the issue of alternate accommodation are reproduced hereinbelow:

“15. As far as availability of alternate accommodation is concerned, then petitioner has not disclosed in the petition that there are 15 shops in the suit premises. It is only when respondent claimed in her leave to defend application that there are 11 shops in the suit premises that the petitioner refuted this claim by saying that there are infact 15 shops. Thus, there is a concealment on his part regarding the number of shops in the suit premises. Further, petitioner has stated that he has filed complete and correct site plan alongwith his reply to leave to defend, however, perusal of record reveals that no such site plan has been filed by him. Further, it is stated by petitioner in his reply that shops no. D and N have fallen to his sister's share but pertinently no such plea of division of properties has been taken by him in his petition. Further, the details of alleged division have not been disclosed by the petitioner as to when and between whom it was effected and which shop was given to whom. Thus, mere oral averments have been made by him in this regard. Similarly, in respect of shop no. H, it is stated by petitioner that the same is being used by his elder son but no document is filed in this regard by him and again mere oral averments have been made and moreover, this was also not disclosed by the petitioner in the petition. Thus, this court is of the view that a triable issue has been raised by the respondent qua availability of alternate accommodation with the petitioner.”

17. A perusal of the Impugned Order reveals that the learned ARC



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has noticed various factual assertions made by the Respondent, including the alleged concealment regarding the total number of shops, the absence of any site plan depicting the existing occupation, the plea regarding partition amongst family members which did not find mention in the eviction petition, and the absence of any supporting material regarding the alleged occupation of one of the shops by the Petitioner's son. Considering the said circumstances, the learned ARC concluded that a triable issue arose regarding the availability of alternate accommodation.

18. It is noted that at the stage of considering an application seeking leave to defend under Section 25B of the DRC Act, the learned ARC is not expected to finally adjudicate the correctness of the rival factual assertions. Therefore, the enquiry is confined to determining whether the defence raised by the tenant discloses such facts as would disentitle the landlord from obtaining an order of eviction or whether the defence raises a *bona fide* triable issue requiring adjudication after evidence.

19. In this regard, the Hon'ble Supreme Court in ***Precision Steel & Engineering Works v. Prem Deva Niranjana Deva Tayal***⁹, held that where the defence raises a real and substantial issue requiring evidence, leave to defend ought to be granted and the Controller should not undertake a detailed examination of the truth or otherwise of the rival claims at that stage.

20. Tested on the aforesaid principles, this Court, upon perusal of the material on record, finds no infirmity in the approach adopted by the learned ARC. In fact, the learned ARC, while considering certain

⁹ (1982) 3 SCC 270



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discrepancies and factual disputes emerging from the pleadings, has merely concluded that the issue requires evidence and, therefore, constitutes a triable issue.

21. Accordingly, accepting the Petitioner's submissions would necessarily require this Court to enter into the factual correctness of the rival claims regarding the number of shops, the alleged partition, the occupation of the various portions of the property and the suitability of the accommodation available with the Petitioner.

22. Such an exercise would amount to undertaking a re-appreciation of the factual matrix, which lies beyond the limited scope of revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act.

23. This Court is, therefore, satisfied that the Impugned Order neither suffers from any jurisdictional error nor discloses any patent illegality or material irregularity warranting interference in exercise of the revisional jurisdiction of this Court.

24. Consequently, the present Petition, being devoid of merit, stands dismissed.

25. Pending Application(s), if any, also stand dismissed.

HARISH VAIDYANATHAN SHANKAR, J.
JULY 30, 2026/tk/jk