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

Date of decision: 01.09.2026

CNR No. DLHC010303742026

+ **RC.REV. 222/2026, CM APPL. 44231/2026 (Ex.) & CM APPL. 44232/2026 (Stay)**

SH. RISHABH JAIN

.....Petitioner

Through: **Mr. Govind Narayan Kaushik,
Ms. Sheetal Raghuvanshi, Mr.
Prabhat Goswami, Ms.
Priyanshi Kaushik and Ms.
Garvita Kaushik, Advocates.**

versus

MRIDULA GOEL

.....Respondent

Through: **Mr. Subhash chand and
Ms. Pooja, Advocates.**

CORAM:

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

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JUDGEMENT (Oral)

1. The present Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, challenging the **Order dated 21.04.2026²**, passed by the **learned CCJ-cum-ARC, Central District, Tis Hazari Courts, Delhi³**, in **Eviction Petition being RC-ARC 261/2021⁴**, titled “*Mridula Goel v. Surender Kumar Jain (Since Deceased) through LR Sh. Rishabh Jain*”, whereby the learned ARC has rejected the leave to defend application and passed an order of

¹ DRC Act

² Impugned Order

³ learned ARC

⁴ Eviction Petition



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eviction in favour of the Respondent and as against the Petitioner herein.

2. Learned counsel appearing on behalf of the Petitioner confines his challenge in the present Petition to the alleged non-existence of the landlord-tenant relationship between the parties.

3. He submits that, in fact, the Petitioner herein had become the owner of the **shop measuring 12' x 14' approximately situated on the ground floor of property bearing No. 111-D, Kamla Nagar, Delhi – 110007**⁵ by virtue of adverse possession and, consequently, the Respondent could not claim to be the landlord thereof.

4. He submits that the Petitioner had categorically denied the existence of any landlord-tenant relationship between the parties and therefore, the question of there being any rent receipt or other document evidencing payment of rent does not arise.

5. On the aforesaid basis, he submits that the very relationship of landlord and tenant, which constitutes a foundational requirement for maintaining the eviction proceedings, was disputed and ought to have been appropriately considered before passing the Impugned Order and accordingly, the said Order is erroneous in nature and should be set aside.

6. **Per contra**, learned counsel appearing on behalf of the Respondent submits that the submissions advanced by learned counsel for the Petitioner are the very contentions which were raised before the learned ARC and have already been duly considered and dealt with by the learned ARC before passing the Impugned Order.

7. He further submits that, in exercise of its limited revisional

⁵ Subject Premises



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jurisdiction, this Court cannot undertake a re-appreciation of the evidence or substitute its own view for the findings returned by the learned ARC and, therefore, the Impugned Order does not warrant any interference by this Court.

8. This Court has heard learned counsel appearing on behalf of the parties at length, and, with their able assistance, perused the relevant documents as also the Impugned Order.

9. 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.

10. 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.

11. 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.

12. In **Abid-Ul-Islam** (supra), the Hon'ble Supreme Court, while

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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elucidating the legislative intent 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.”

13. 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



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absence of adjudication warranting interference.

14. 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.

15. 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.

16. In order to appreciate the challenge raised by the Petitioner, it would be appropriate to examine the findings returned by the learned ARC. The relevant observations of the learned ARC in the Impugned Order are extracted hereinbelow:

“A. LANDLORD-TENANT RELATIONSHIP/OWNERSHIP:-

9. With respect to the first ingredient, it is well-settled that for the purposes of Section 14(1)(e) of the DRC Act, a landlord is not required to establish absolute ownership in the manner contemplated under the Transfer of Property Act. It is sufficient for the landlord to demonstrate that their title is superior to that of the tenant. In *Shanti Sharma & Ors. v. Ved Prabha & Ors.*, (1987) 4 SCC 193, the Hon’ble Supreme Court held that the term “owner” in this context is to be understood vis-à-vis the tenant, meaning thereby that the landlord must show himself to be “something more than the tenant.” Reliance may also be placed on *Rajender Kumar*



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Sharma & Ors. v. Leela Wati & Ors., 155 (2008) DLT 383, wherein the same principle was reiterated.

10. In the present case, the petitioner is claiming to be a coowner, to the extent of 1/6th share, of the entire demised premises. In support of the said submission, a registered sale deed dated 07.12.2003 executed between Sh. Gian Chand Goel and the petitioner has been filed on record (see page No. 14 to 24 of the documents annexed with the petition).

11. With respect to the entire chain of title, it has been submitted that initially, the entire suit property was purchased by Late Sh. Panna Lal Goel by virtue of a registered sale deed dated 23.07.1954. Thereafter, by virtue of the Will dated 13.07.1968, he bequeathed the entire property in favour of his 06 sons in equal proportion (after the death of his wife). Sh. Gian Chand Goel is one of the sons of Late Sh. Panna Lal Goel, and he sold his share to the petitioner by virtue of the registered sale deed dated 07.12.2003, as mentioned above. It has been further submitted that the petitioner was duly substituted as defendant No. 1 in place of Mr. Gian Chand Goel by the Hon'ble High Court of Delhi in the partition suit bearing No. CS (OS) 2477/2014 (see page No. 31 and 32 of the documents annexed with the petition). Lastly, order dated 09.01.2019, passed by the Hon'ble High Court of Delhi in CS (OS) 2477/2014, has been placed on record as per which the suit was decreed declaring the 06 sons of Late Sh. Panna Lal as the owners of 1/6th share in the demised premises (see page No. 25 to 30 of the documents annexed with the petition).

12. The petitioner has placed on record counterfoil of rent receipt dated 18.11.2006 which reflects the name of the tenant as Mr. Gora Lal Jain (see page No. 33 of the documents annexed with the petition). It is pertinent to note that Late Sh. Gora Lal Jain was the father of the respondent. The respondent has not denied the signatures on the said counterfoil of rent receipt anywhere in the leave to defend application.

13. The respondent has submitted that he is the owner of the demised premises on the basis of adverse possession (see paragraph No. 8 of the affidavit filed with the leave to defend application). However, the said plea of adverse possession is a bald plea. It is settled law that in order to take the plea of adverse possession, three ingredients must co-exist, i.e., (i) adequate in continuity; (ii) adequate in publicity; and (iii) adverse to a competitor in denial of title and his knowledge (see **Ravinder Kaur Grewal v. Manjeet Kaur**, (2019) 8 SCC 729; **Kamaljit Singh v. Protiva Pandey**, (2024) SCC OnLine Del 8848). To substantiate, in order to demonstrate adverse possession, the concerned party must establish the date on which it came into possession, nature, factum and duration of possession, and when the possession came to the knowledge of the true owner. In the present case, the respondent



has not even identified the true owner against whom he is claiming the said adverse possession. Therefore, in absence of the same, without the hostile declaration of his title vis-a-vis the original owner, the claim for adverse possession would fail, and it would only be categorized as permissive possession of the tenanted premises.

17. Further, the respondent has placed on record electricity bill and property tax receipts to support his contention of ownership. However, it is settled law that electricity bill and property tax receipts are not title documents. On the other hand, as noted above, the petitioner has specifically filed on record the registered sale deed, by virtue of which she purchased 1/6th share in the demised premises and became a co-owner. It is a settled position of law that attornment follows automatically upon the execution of a registered sale deed. Further, it is a settled position of law that a co-owner can maintain an eviction petition on their own and the consent of other co-owners is assumed as taken unless it is shown that the other co-owners were not agreeable to eject the tenant (India Umbrella Mfg. Co. v. Bhagabandei Agarwalla, (2004) 3 SCC 178; Col. Inderjeet Singh v. Mr. Vikram Singh, 194 (2012) DLT 209; Yashpal v. Chaman Lal Sachdeva, 129 (2006) DLT 200).

16. Therefore, by virtue of the sale deed on record, coupled with the orders passed in the partition suit, the petitioner has been able to show a better title than that of the respondent. Further, the petitioner has also been able to show landlord-tenant relationship between the father of the respondent and the petitioner's predecessor by virtue of the rent receipt on record.

15. Accordingly, **based on the above, no triable issue exists regarding the landlord-tenant relationship/ownership between the parties."**

(emphasis supplied)

17. A perusal of the aforesaid findings would reveal that the learned ARC has considered the plea of ownership by way of adverse possession in the context of the material placed on record. The Petitioner had merely asserted adverse possession without disclosing the date from which such possession was claimed to have become hostile, the person against whom such possession was asserted, or the circumstances in which the possession became adverse to the true



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owner. The learned ARC has therefore found the said plea to be a bald assertion, unsupported by the necessary foundational facts.

18. Further, it was also noticed that the counterfoil of the rent receipt dated 18.11.2006 records the name of the Petitioner's father as the tenant and, significantly, the Petitioner did not raise any explicit objection, either with regard to the signatures appearing thereon or otherwise in respect of the said rent receipt.

19. The learned ARC has considered this material along with the registered sale deed dated 07.12.2003 and the orders passed in the partition proceedings recognising the Respondent's share in the Subject Premises. The conclusion that the Respondent had demonstrated a title superior to that asserted by the Petitioner and that a landlord-tenant relationship existed between the parties, therefore, cannot be said to suffer from any infirmity.

20. It is noticed that these very contentions have already been sought to be raised before the learned ARC and they have already accorded consideration.

21. The documents relied upon by the Petitioner, before the learned ARC, *namely*, the electricity bill and property tax receipts, also do not advance his case, particularly when such documents, in themselves, do not constitute documents of title. Therefore, the learned ARC was justified in considering the same in the context of the registered title document relied upon by the Respondent and the material evidencing the tenancy of the Petitioner's predecessor.

22. In these circumstances, the challenge raised before this Court essentially seeks a re-appreciation of the material which has already been considered by the learned ARC. Such an exercise would



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necessarily require this Court to substitute its own assessment for the findings returned in the Impugned Order, which, as discussed hereinabove, is not within the scope of the limited revisional jurisdiction under the proviso to Section 25-B(8) of the DRC Act.

23. In view of the foregoing discussion, this Court finds no merit in the present Petition, and therefore, the same stands dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 01, 2026/tk/jk