



2026:DHC:7408



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 01.09.2026**# **CNR No. DLHC010328722026**

+ RC.REV. 245/2026, CM APPL. 47499/2026 (Stay) & CM APPL. 47500/2026 (Ex. From filing the certified copies of the annexures)

HASA NAND AND CO.

.....Petitioner

Through: Ms. Tanisha Verma and Mr.
Raghav Saluja, Advocate.

versus

TRILOK CHAND GOENKA

.....Respondent

Through:

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

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JUDGEMENT (Oral)

1. The present Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, seeks to assail the **Order dated 22.04.2026²**, passed by the **learned Additional Rent Controller-02, Central District, Tis Hazari Courts, Delhi³**, in **Eviction Petition being RC-ARC 63/2026⁴**, titled "*Shri Trilok Chand Goenka v. Hasa Nand & Co.*".

2. By way of the Impugned Order, the learned ARC dismissed the **Application seeking condonation of delay⁵** in filing the **Application**

¹ DRC Act

² Impugned Order

³ learned ARC

⁴ Eviction Petition

⁵ Condonation of Delay Application

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seeking leave to defend⁶ and, consequently, an Eviction order came to be passed in favour of the Respondent, in respect of an **Almirah shop No.4866-A, Ward No. III, Ganesh Bazar, Cloth Bazar, Fatehpuri, Delhi-110006**⁷.

SUBMISSIONS ON BEHALF OF THE PETITIONER:

3. Learned counsel appearing on behalf of the Petitioner, at the outset, submits that the Petitioner does not seek to assail the finding returned by the learned ARC in the Impugned Order insofar as it pertains to the dismissal of the Condonation of Delay Application.

4. Learned counsel for the Petitioner, however, submits that, notwithstanding the aforesaid finding, the position in law, as enunciated by this Court in in **Ramesh Basandara v. Moti Ram**⁸, requires the learned ARC, even where an Application seeking leave to defend has been declined on the ground of delay, to independently satisfy itself as to whether the *bona fide* requirement pleaded by the Landlord is, in fact, made out.

5. It is, therefore, submitted by the learned counsel for the Petitioner that, in the present case, the learned ARC has failed to undertake the aforesaid requisite examination of the *bona fide* requirement pleaded by the Respondent, and that such failure goes to the legality and sustainability of the Impugned Order, thereby warranting interference by this Court.

ANALYSIS:

6. This Court has heard learned counsel appearing on behalf of the

⁶ Leave to Defend

⁷ Subject premises

⁸ 2003 SCC OnLine Del 570



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Petitioner, and, with her able assistance, perused material available on record, including the relevant documents as well as the Impugned Order.

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.

8. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**⁹, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**¹⁰, and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**¹¹, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25-B(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.**¹², and **Sanjeev Hiranandani v. Sunny Grover**¹³.

10. In **Abid-Ul-Islam** (supra), the Hon'ble Supreme Court, while elucidating the legislative intentment 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,

⁹ (1998) 8 SCC 119

¹⁰ (2014) 9 SCC 78

¹¹ (2022) 6 SCC 30

¹² 2024:DHC:9322

¹³ 2025:DHC:11285



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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.”

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 25-B(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. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25-B(8) of the DRC Act, this Court is neither required nor permitted to

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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.

13. 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.

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

“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 within 15 days of service is also admitted by the applicant/respondent. **Hence, present application under section 5 of The Limitation Act read with section 151 of CPC filed on behalf of respondent is hereby dismissed and disposed of accordingly.**

Present is a petition under Section 14(1)(e) r/w Section 25B of DRC Act. Even though leave to defend has not been filed within prescribed period, court is still ought to satisfy itself that all ingredients of section 14(1)(e) of DRC Act have been made out. Reliance is placed upon case titled as **Ramesh Basandara Vs. Moti Ram, 2003 RLR 539.**

Heard. Record has been perused.

Briefly stated, the facts of petition are such that petitioner has purchased tenanted premises through registered sale deed dated 12.09.2018 from Sh. Sanjay Kumar Jain and Sh. Rajiv Kumar Jain, having 2/3rd share and also through registered sale deed dated

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16.12.2019 from Sh. Shashi Kumar Jain having 1/3rd share in said premises. Letter of attornment was sent on 28.01.2021 by petitioner after purchasing the same and same was duly served upon respondent. That petitioner requires tenanted premises bonafidely. Petitioner is also owner of shop no. 4866 however petitioner is not in a position to use said shop as it is very narrow. Hence, petitioner wants to get tenanted premises/ almirah/ 4866-A, vacated. Petitioner wants to demolish the same to open the passage/way for shop no. 4866 so that petitioner can run said shop easily.

Petitioner has placed on record site plan, copy of sale deed dated 12.09.2018 and sale deed dated 24.11.2019, copy of letter of attornment dated 28.01.2021 along with copy of postal receipt and copy of legal notice dated 11.02.2022 along with copy of postal receipt.

Section 25B (4) of DRC Act provides that,

“The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) 'in the form specified in the Third Schedule shall not contest the prayer for eviction from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.”

Hence, respondent is deemed to have admitted the relationship of landlord and tenant between petitioner and respondent. He is also deemed to have admitted that the petitioner requires tenanted premises for his bonafide need and that no other reasonably suitable accommodation is available to petitioner.

In the case titled as **Ragavendra Kumar Vs Firm Prem Machinery AIR 2000 SC 534**, it was observed as under: -

“It is settled position of law that the landlord is best judge of his requirement for residential or business purpose and he has got complete freedom in the matter, (See: Prativa Devi (Smt.) v. T.K Krishnan, [1996] 5 SCC 353. In the case in hand the plaintiff-landlord wanted eviction of the tenant from the suit premises for starting his business as it was suitable and it cannot be faulted.”

Hence, as a consequence thereof, an eviction order is passed under Section 14(1)(e) of DRC Act in favour of petitioner and against the respondent in respect of **Almirah shop No.4866-A, Ward No.III, Ganesh Bazar, Cloth Bazar, Fatehpuri, Delhi-110006 admeasuring 12’X1’**, as shown in red colour in the site

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plan annexed with petition. However, the petitioner would not be entitled to initiate execution proceedings for recovery of the possession of the tenanted premises before expiration of six months from today in view of provisions given in Section 14 (7) of the Act.

In the facts and circumstances of the case there shall be no order as to costs.

File be consigned to Record Room.”

(Emphasis supplied)

15. A perusal of the aforesaid observations leaves no manner of doubt that the learned ARC was conscious of the statutory consequences flowing from the Petitioner's failure to seek leave to defend within the period prescribed under Section 25-B(4) of the DRC Act. The learned ARC had, at the outset, recorded that the Application seeking condonation of delay stood dismissed and that the Petitioner had admittedly failed to file the Application seeking leave to defend within the prescribed period.

16. Significantly, however, the learned ARC did not rest the Impugned Order merely on such default. The learned ARC expressly recognised that, notwithstanding the failure to file the leave to defend Application within the prescribed time, it was incumbent upon the Court to satisfy itself that the ingredients of Section 14(1)(e) of the DRC Act stood made out.

17. The learned ARC specifically invoked the decision of this Court in *Ramesh Basandara v. Moti Ram (supra)* in this regard, and thereafter proceeded to examine the case set up by the Respondent. The aforesaid approach is also consistent with the scheme of Section 25-B(4) of the DRC Act, which is reproduced in the Impugned Order extracted herein before.

18. While the failure of a duly served tenant to obtain leave to defend entails the statutory consequence that the statements contained

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in the Eviction Petition are deemed to be admitted, the learned ARC is nevertheless required to satisfy itself that the statutory ingredients necessary for passing an Order of eviction on the ground pleaded stand fulfilled. The statutory consequence of deemed admission, therefore, cannot be equated with an automatic or mechanical entitlement to an Eviction Order divorced from the statutory requirements governing the ground of eviction.

19. In the present case, the learned ARC undertook such an exercise. The Impugned Order records the case pleaded by the Respondent, including his acquisition of the Subject premises through registered sale deeds, the issuance and service of the letter of attornment, the assertion of *bona fide* requirement. The learned ARC also took note of the site plan and the other documents placed on record and, upon consideration thereof, proceeded to apply the settled principle governing the assessment of a Respondent's *bona fide* requirement and the suitability of the premises sought to be recovered.

20. Further, the learned ARC, in particular, considered the Respondent's assertion that although he was also the owner of the existing shop bearing No. 4866, Ward No.III, Ganesh Bazar, Cloth Bazar, Fatehpuri, Delhi-110006, the passage to the said shop was too narrow to be conveniently utilised and that the Subject premises were required to be vacated and demolished so as to provide access to and facilitate the use of his shop. The learned ARC, upon considering the aforesaid circumstances, accepted the *bona fide* requirement pleaded by the Respondent and proceeded to pass the Eviction Order under Section 14(1)(e) of the DRC Act.



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21. The submission advanced on behalf of the Petitioner, therefore, that the learned ARC failed to undertake the requisite satisfaction contemplated by **Ramesh Basandara v. Moti Ram** (*supra*) is not borne out from the record. On the contrary, the Impugned Order expressly records the legal requirement of such satisfaction and thereafter proceeds to examine the material placed before the learned ARC before arriving at a conclusion that the ingredients of Section 14(1)(e) stood satisfied.

22. Once the learned ARC had undertaken the requisite exercise, the mere fact that the Petitioner may seek a different appreciation of the material, or may contend that the *bona fide* requirement ought to have been assessed differently, cannot by itself furnish a ground for interference in the present proceedings. The jurisdiction of this Court under the *proviso* to Section 25-B(8) of the DRC Act is supervisory and revisional in character and does not permit a re-appreciation of the evidence or substitution of the view taken by the learned ARC merely because another view may be possible.

23. In view of the foregoing discussion, no jurisdictional error, material irregularity, perversity or manifest illegality is discernible in the approach adopted by the learned ARC. The finding returned in respect of the *bona fide* requirement is founded upon the pleadings and material placed before the learned ARC and cannot be characterised as one which is so unreasonable or unsustainable as to warrant the exercise of the limited revisional jurisdiction of this Court.

DECISION:

24. This Court, therefore, finds no merit in the present Petition. The Petition is, accordingly, dismissed.

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

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

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