



2026:DHC:7835



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

Reserved on: 20.08.2026
Date of Decision: 15.09.2026
Date of Uploading: 15.09.2026

CNR No. DLHC010332862026

+ CM(M) 1637/2026

MANPREET SINGH

.....Petitioner

Through: Mr. Gagandeep Singh and
Mr. Yash Chopra, Advs.

versus

PARMOD KUMAR GUPTA & ANR.Respondents

Through: Ms. Shalini Kapoor,
Ms. Divyanshi Saxena and
Mr. Udit Bhatiani, Advs.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. By way of the present petition, the petitioner is assailing the order dated 06.07.2026 passed by the learned Additional Rent Controller-01, Central District, Tis Hazari Courts, Delhi¹ in RC ARC No. 690/2025, titled "*Pramod Kumar Gupta v. Manpreet Singh*", whereby the learned ARC dismissed petitioner's application under Section 151 of the Code of Civil Procedure, 1908², seeking to place additional documents on record.

2. Succinctly put, the brief facts of the case are that the petitioner is one of the legal representatives of the original tenant, late Amarjeet

¹ hereinafter "ARC"
hereinafter "CPC"



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Singh, in respect of Shop bearing No. 5175, forming part of property bearing Nos. 5174-5177, Basant Road, Paharganj, New Delhi³. Respondent no. 1 instituted an eviction petition under Section 14(1)(e) read with Section 25-B of the Delhi Rent Control Act, 1958⁴, being RC ARC No. 690/2025, in respect of the said premises.

3. Upon service of the summons, the petitioner entered appearance and filed an application for leave to defend on 30.03.2026. Respondent no. 1 filed a reply thereto, followed by a rejoinder on behalf of the petitioner.

4. The matter was thereafter listed for arguments on the application for leave to defend. In the meantime, the petitioner filed an application under Section 151 CPC seeking to place on record certain additional facts and documents. The details of the additional documents which were sought to be placed on record by the petitioner are as under :

- “a) Passport and Voter ID Card of Smt. Rajpreet Kaur, real sister of respondent No. 1.
- b) Aadhar Card, Passport and Voter ID card of Late Smt. Rajdeep Kaur, real sister of respondent No.1, Manpreet Singh.
- c) Death certificate of Rajdeep Kaur
- d) Passports of the LR's of Late Smt. Rajdeep Kaur.
- e) Original photographs of Mezzanine Floor, Shop bearing No. 5175, Basant Road, Paharganj, New Delhi.
- f) Photographs of Shop bearing No. 5176, Basant Road, Paharganj, New Delhi. (Owned by petitioner, however kept closed)
- g) The Copy of the electoral roll 2020 and electoral roll 2002, of petitioner as well as his family members showing their address as 5174, Shyam Lal building, Paharganj, New Delhi.”

³ hereinafter “said premise”
hereinafter “DRC Act”



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5. The said application was opposed and, after hearing the parties, came to be dismissed by the learned ARC *vide* order dated 06.07.2026. The operative portion of the order impugned is reproduced hereinbelow:

“5. It is trite to state that the ordinary rule of judiciary procedure is that the statutory time period of 15 days for filing of leave to defend application is inflexible and whatever has to be stated in the leave to defend application with respect to the facts and events, which have happened prior to 15 days period must be stated in the leave to defend application itself and not by way of subsequent affidavits or documents. Reliance in this regard is placed upon the observation of the Apex Court in ***Prithipal Singh Vs. Satpal Singh, (2010) 2 SCC 15.***

6. In the present case, the application for leave to defend was filed before the court on 30.03.2026. Now the applicant/respondent wishes to place on record original photographs of shops no. 5175 & 5176 belonging to the petitioner alongwith the details of other LR's and the copy of electoral rolls pertaining to the address of the petitioner. It is pertinent to note that these documents were available with the respondent at the time of filing of application for leave to defend and there are latches on the part of the respondent. As far as the documents filed alongwith the application under section 151 CPC is concerned, the said documents were in the knowledge of the respondent prior to the date of filing of the leave to defend application. Therefore, pleadings in this regard should have been made in the leave to defend application itself.

7. Reliance in this regard is placed upon ***Madhu Gupta Vs. Gardenia Estates (P) Ltd, 184 (2011) DLT 103*** wherein it was observed that:-

“No amendment should be granted to leave to defend application because if the amendment is allowed to leave to defend application, then the sanctity of the 15 days period will be destroyed.”

8. Therefore, in the garb of present application, the respondent can not be allowed to place on record additional documents **as the same is not permissible as it would destroy the sanctity of 15 day period for raising grounds for leave to defend.**

9. Accordingly, in view of the aforesaid discussion, the said application moved on behalf of the respondent is hereby dismissed as being not maintainable. *However, it is clarified that nothing expressed herein shall tantamount to final opinion on the merits of the case.*

10. Put up for arguments on application for leave to defend on 03.08.2026.”



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6. The present petition under Article 227 of the Constitution of India assails the said order.

7. Learned counsel appearing on behalf of the petitioner, apart from oral submissions, submitted written submissions, as per which the learned ARC erred in rejecting the application under Section 151 CPC without considering the relevance of the documents or the explanation for their delayed production. He also submitted that the impugned order is vitiated on the ground that the learned ARC failed to consider **Prithipal Singh (supra)**, does not operate as an absolute bar to documents being introduced after the leave to defend application.

8. It was contended that the documents sought to be placed on record, including electoral records, identity documents and photographs of the premise and the respondent's alleged alternative accommodation, merely supported the defence already raised and did not introduce any new case. It was further submitted that the identity documents of the petitioner's sisters were not available with him when the leave to defend application was filed, and that the photographs demonstrated the existence of a mezzanine floor in the premise, contrary to the respondent's assertion.

9. Counsel urged that no prejudice would be caused to the respondent if the documents were taken on record, particularly as the matter was still at the stage of consideration of leave to defend. Reliance was placed on the decisions of this Court in **Smt. Shakuntla**



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& Ors. v. Smt. Kanti Devi & Anr.⁵, Sh. Arvind Kumar Jain v. Jagdish Lal Khanijo⁶, and Qamruddin v. Ziauddin⁷.

10. *Per contra*, learned counsel appearing on behalf of the respondents submitted that the petitioner is admittedly the sole occupant of the suit premise and the tenant thereof, and that the documents now sought to be placed on record were neither filed along with the leave to defend application nor with the rejoinder filed thereafter, despite ample opportunity to do so at either stage.

11. It is submitted that the objection of misjoinder/non-joinder of parties, sought to be canvassed through the said documents, was specifically addressed by respondent no. 1 in his reply to the leave to defend application, yet the petitioner chose not to press or elaborate upon the same at the stage of rejoinder, and cannot now be permitted to resurrect the same belatedly by way of additional documents.

12. Learned counsel places reliance on the judgments of the Hon'ble Supreme Court in **Suresh Kumar Kohli v. Rakesh Jain and Ors⁸**, wherein it is reiterated that a landlord is not obliged to implead each and every legal heir of a deceased tenant in an eviction petition and such objections of misjoinder are commonly raised only to protract proceedings, particularly in circumstances where the landlord has no knowledge of the existence or particulars of such legal heirs, and that petitioner's application, is a similar attempt to delay adjudication of the eviction application. It is further submitted that the impugned order records the petitioner's bare assertion that the documents had '*recently come*' into his possession, which remains

⁵ RC Rev. No.352/2012

⁶ CM(M) No.1191/2018

⁷ CM(M) No.1298/2019

(2018) 6 SCC 708





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unsubstantiated by any explanation as to the circumstances in which the same were procured, and **Prithipal Singh (supra)** mandates strict adherence to the 15 days period for filing leave to defend under Section 25-B DRC Act, leaving no room for relaxation that is sought by the petitioner.

13. He brings notice of this Court to para 16 of the said judgment, which is reproduced below:

“**16.** From a careful perusal of sub-section (4) of Section 25-B of the Rent Act, it would be clearly evident that the tenant shall not be permitted to contest the prayer for eviction unless he files an affidavit before the Controller stating the ground on which he seeks to contest the application for eviction and obtains leave from the Controller. This section also clearly indicates that in default of his appearance in compliance with the summons or his obtaining such leave, the statement made by the landlord in the eviction proceedings shall be deemed to be admitted by the tenant and the landlord shall be entitled to an order for eviction on the ground mentioned in the eviction petition. At this stage, we may also note that in sub-section (4) of Section 25-B of the Rent Act read with the Third Schedule, it has been made clear by the legislature that if the summons of the proceeding is received by the tenant, he has to appear and ask for leave to contest the eviction proceedings within 15 days from the date of service of notice upon the tenant and if he fails to do so, automatically, an order of eviction in favour of the landlord on the ground of bona fide requirement shall be made.”

14. The Court has considered the rival submissions and has perused the material on record.

15. The question which arises for consideration is whether at the stage when the application for leave to defence was already filed and was fixed for arguments, the petitioner could be permitted to introduce the documents referred to in the application under Section 151 CPC.

16. The power under Section 151 CPC is discretionary and is intended to advance the ends of justice. The same, however, cannot be invoked to circumvent the procedure prescribed under Section 25-B DRC Act, particularly where the statutory period for disclosing the



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facts constituting the defence has already expired. The Court must, therefore, examine not merely whether the documents are relevant in the abstract, but also whether the petitioner has furnished a satisfactory explanation for their non-production at the appropriate stage and whether the proposed documents are necessary for determination of any triable issue.

17. In the present case, the petitioner seeks to place on record identity documents and death certificate of his sisters, passports of their legal representatives, photographs of the mezzanine floor of the suit premises, photographs of Shop No. 5176, and electoral rolls relating to the address of the petitioner and his family members. The principal justification offered by the petitioner is that some of the document had become available only subsequently and that considerable time was consumed in procuring them.

18. The explanation, in the considered view of this Court, is wholly general in nature. The petitioner has not disclosed when each of the documents came into his possession, from whom the same was obtained, or the circumstances which prevented their production either along with the application for leave to defend or, at the latest, with the rejoinder. The mere assertion that the documents had “*recently been made available*” cannot, by itself, constitute a sufficient explanation for permitting their introduction after completion of the pleadings in the summary proceedings under Section 25-B DRC Act.

19. Even otherwise, the documents sought to be introduced do not advance the petitioner’s case in the manner suggested. The identity documents and death certificate of the sisters are sought principally to substantiate the plea that all the legal heirs of late Amarjeet Singh



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ought to have been impleaded. The said objection, however, does not constitute a triable issue merely because the existence of other legal heirs is sought to be established by documentary evidence. The Hon'ble Supreme Court in **Suresh Kumar Kohli v. Rakesh Jain, (supra)**, has held that upon the death of the original tenant, the legal heirs succeed to the tenancy as joint tenants and an eviction petition against the heir in occupation is sufficient. Relevant para of the said judgment is reproduced hereinbelow for ready reference:

“Conclusion

20. We are of the view that in the light of *H.C. Pandey [H.C. Pandey v. G.C. Paul, (1989) 3 SCC 77]*, the situation is very clear that when original tenant dies, the legal heirs inherit the tenancy as joint tenants and occupation of one of the tenants is occupation of all the joint tenants. It is not necessary for the landlord to implead all legal heirs of the deceased tenant, whether they are occupying the property or not. It is sufficient for the landlord to implead either of those persons who are occupying the property, as party. There may be a case where landlord is not aware of all the legal heirs of the deceased tenant and impleading only those heirs who are in occupation of the property is sufficient for the purpose of filing of eviction petition. An eviction petition against one of the joint tenants is sufficient against all the joint tenants and all joint tenants are bound by the order of the Rent Controller as joint tenancy is one tenancy and is not a tenancy split into different legal heirs. Thus, the plea of the tenants on this count must fail.”

20. Consequently, the proposed documents relating to Rajpreet Kaur and late Rajdeep Kaur, even if taken on record, would not materially alter the legal position or disclose a triable issue warranting leave to defend.

21. Similarly, the photographs of the mezzanine floor also do not justify interference with the impugned order. The petitioner had already specifically pleaded in his application for leave to defend that the suit premises comprised a ground floor and mezzanine floor and that the site plan filed by the respondent was incorrect. The



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photographs, therefore, seek only to substantiate a plea which was already available to the petitioner. They do not constitute any subsequent development which could have been pleaded or supported by material at the appropriate stage.

22. Likewise, the photographs of Shop No. 5176 and the electoral rolls are relied upon to support the plea that the respondent has alternative accommodation and that his address is shown as property No. 5174. These are matters which form part of the petitioner's existing defence regarding the availability of alternative accommodation and the alleged *bona fide* requirement. The petitioner had already pleaded the availability and alleged non-use of Shop No. 5176 and other properties in his application for leave to defend.

23. The procedure under Section 25-B DRC Act is intended to ensure expeditious determination of an eviction petition. Once the petitioner had filed his application for leave to defend and the respondent had filed his reply, followed by the rejoinder, the petitioner could not, as a matter of course, seek to reopen the stage of disclosure of his defence by invoking the inherent powers of the Court.

24. The reliance placed by learned counsel for the petitioner on the decisions permitting subsequent documents in appropriate cases does not advance his case. There can be no quarrel with the proposition that a Court is not powerless to take subsequent material on record where the document was genuinely unavailable earlier, the subsequent development is duly explained and the document has a material bearing on the controversy at hand. The exercise of such discretion, however, depends upon the facts of each case.



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25. In the present case, the petitioner has failed to furnish a specific and satisfactory explanation for the delayed production of the documents. Further, as noticed above, the documents principally seek to substantiate pleas, which had already been raised in the application for leave to defend.

26. The fact that the application under Section 151 CPC was filed before the advancement of arguments on the leave to defend application, by itself, entitle the petitioner to introduce further material as of right. The statutory scheme does not contemplate successive opportunities to improve or supplement the grounds already disclosed in the application for leave to defend.

27. The contention that no prejudice would be caused to the respondent is also not determinative. Absence of prejudice cannot, by itself, override the statutory procedure governing a petition under Section 25-B DRC Act.

28. The learned ARC, upon considering the nature of the documents and the stage at which they were sought to be introduced, declined to permit the petitioner to place the same on record. No jurisdictional error, perversity or material irregularity is demonstrated in the said exercise of discretion warranting interference under Article 227 of the Constitution of India.

29. For the aforesaid reasons, this Court finds no infirmity in the order dated 06.07.2026 passed by the learned ARC dismissing petitioner's application under Section 151 CPC.

30. The present petition is, accordingly, dismissed. Pending application(s), if any, stand disposed of.



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31. Needless to clarify, the aforesaid observations are confined to the present petition and shall not be construed as an expression of opinion on the merits of the case.

32. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

SEPTEMBER 15, 2026/gs/dd/os