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

Date of decision: 22.09.2026

CNR No. DLHC010918922024

+ **RC.REV. 377/2024**

SMT. SHAIL AGGARWAL AND ANRPetitioners

Through: **Mr. Smiti Verma and Mr.
Nimish Sharma, Advocates.**

versus

SHRI GIAN CHAND GARG AND ORSRespondents

Through: **None.**

CORAM:

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

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JUDGEMENT (Oral)

CM APPL. 65205/2026 (By Petitioner seeking Early Haring)

1. The present Application under Section 151 of the Code of Civil Procedure, 1908, [“CPC”] has been filed by the Applicants/Petitioners seeking an early hearing of the captioned Petition.
2. For the reasons stated in the present Application, the Application is allowed.
3. Accordingly, the present Application stands disposed of.

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4. With the consent of learned counsel appearing on behalf of the Petitioners, the present matter is taken up for final hearing today.
5. The present Petition has been filed under Section 25-B(8) of the Delhi Rent Control Act, 1958 [“DRC Act”] read with Section 151 of

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the CPC, assailing the Order dated 07.08.2024 [**“Impugned Order”**] passed by the learned SCJ-cum-RC, South-West District, Saket Courts, New Delhi [**“learned RC”**], in RC ARC 30 of 2023, titled *“Gian Chand Garg versus Manoj Kumar and Ors.”* whereby the Application seeking leave to defend [**“Leave to Defend Application”**] filed by the Petitioners was dismissed.

6. *Vide* the Impugned Order, the Application dated 05.03.2024 [**“Condonation of Delay Application”**] seeking condonation of delay in filing the Leave to Defend Application was rejected and, consequently, the Leave to Defend Application was not taken on record.

7. Learned counsel appearing on behalf of the Petitioners submits that the Petitioner no. 1 is not an educated person and, therefore, did not understand the significance of the time-bound nature of proceedings in eviction petitions.

8. She further submits that the Petitioner no. 1 is a widow and that her son, i.e., Petitioner no. 2 in the present proceedings, has not been assisting her in pursuing the various litigations pending before different Courts.

9. It is, therefore, submitted that there was sufficient cause for condoning the delay in filing the Leave to Defend Application. Learned counsel for the Petitioners places reliance upon the Judgment of the Hon’ble Division Bench of this Court in *Director, Directorate of Education & Anr. versus Mohd. Shamim & Ors.*¹ in support of the aforesaid submission.

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

¹ 2019 SCC OnLine Del 11490



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Petitioners and, with her able assistance, perused the Impugned Order as also the Condonation of Delay Application.

11. 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.

12. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**², **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**³, and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**⁴, 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.

13. 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.**⁵, and **Sanjeev Hiranandani v. Sunny Grover**⁶.

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

² (1998) 8 SCC 119

³ (2014) 9 SCC 78

⁴ (2022) 6 SCC 30

⁵ 2024:DHC:9322

⁶ 2025:DHC:11285



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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.”

15. 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.

16. 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



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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.

17. 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.

18. In order to appreciate the challenge raised by the Petitioner, this Court deems it appropriate to extract the Condonation of Delay Application in its entirety. The relevant portion of the aforesaid Application reads as under:

“APPLICATION UNDER SECTION 151 OF CODE OF CIVIL PROCEDURE, 1908 ON BEHALF OF THE RESPONDENT NO. 4 AND 5 SEEKING CONDONATION OF DELAY.

The Respondent no. 4 and 5 Most Respectfully State and Submit As Under:

1. The Respondent no. 4 and 5 submits that there is a delay in filing the application seeking leave to defend. The Applicant, Smt. Shail Aggarwal submits that she has lost her husband during Covid-19 and is now is handicapped since her husband was looking-after the works as also various litigations.
2. The Applicant, Smt. Shail Aggarwal has a son who keeps himself confine to the shop and does not take any interest in the litigation which the Applicant has dealt with.
3. The Applicant, Smt. Shail Aggarwal suffers from various ailments and therefore when she received copy of the summon could only approach her lawyer on 3rd March, 2024 requesting him to appear on 6.3.2024 and to take a date to file reply. However she has advised that there is a delay in filing the

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application and foremost the leave has to obtain from filing reply to the petition only thus the Applicant could not file the application within time.

4. The Applicant suffers from various ailments and severally handicapped due to her day to day activities after demise of her husband.

5. That there exists a prime facie case in favour of the Applicants inasmuch as the Petitioner is not the landlord of the property.

6. That grave prejudice shall be caused to the Respondents herein in the event the reliefs prayed for herein are declined whereas no prejudice shall be caused to the Petitioner in the event the same are granted inasmuch as the alleged title of the subject property is as such in serious dispute before Hon'ble High Court and the other competent Courts and that there is already an order of status quo granted by the Hon'ble High Court of Delhi.

7. The present application is bonafide and is being made in the interest of justice.

WHEREFORE IT IS PRAYED THAT THIS HON'BLE COURT MAY BE PLEASED TO:

A. Condone the delay in filing the application seeking leave to defend;

B. Pass such further and/or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

19. A perusal of the Condonation of Delay Application shows that the explanation furnished for the delay rests essentially upon the Petitioner no. 1's personal circumstances, namely, the demise of her husband, the alleged lack of assistance from her son, i.e., Petitioner no. 2, her alleged ailments and the assertion that she was not conversant with the legal process. The aforesaid Application, however, does not set out any specific particulars explaining the period of delay or the circumstances which prevented the Petitioner no. 1 from approaching the Court or her counsel within the prescribed period.

20. It is also pertinent to note that the Respondents had filed a Reply dated 12.02.2024 opposing the Condonation of Delay

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Application. The said Reply was duly placed on record before the learned RC. Significantly, no Rejoinder or response to the said Reply was filed on behalf of the Petitioners.

21. The stand taken by the Respondents in their Reply also specifically disputed the explanation furnished by the Petitioner no. 1 for the delay. In the absence of any Rejoinder by the Petitioners, the factual assertions contained in the Reply remained unanswered. This Court, therefore, has to examine the sufficiency of the explanation on the basis of the material actually placed on record.

22. In the considered view of this Court, the question is not merely whether the circumstances pleaded by the Petitioner no. 1 are sympathetic in nature, but whether the Condonation of Delay Application discloses, with reasonable particulars, the circumstances which prevented the Petitioners from filing the Leave to Defend Application within the prescribed period. The Condonation of Delay Application contains broad assertions regarding the Petitioner no. 1's personal circumstances, but does not disclose the necessary particulars or supporting material to establish a continuous or sufficient cause for the delay.

23. Furthermore, the reliance placed upon the judgment of the Hon'ble Division Bench in **Director, Directorate of Education** (supra) does not, in the facts of the present case, advance the case of the Petitioners. The exercise of discretion for condonation of delay necessarily depends upon the facts and circumstances placed before the Court. In the present case, the explanation furnished in the Application is vague and lacks the particulars necessary for the Court to arrive at a finding that the delay stood satisfactorily explained.

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24. It is also pertinent to note that the learned RC, while passing the Impugned Order, has duly considered the explanation furnished by the Petitioners for the delay as also the applicable legal position. The conclusion arrived at by the learned RC was, therefore, not without consideration of the material placed on record, but was based upon an examination of the explanation furnished and the legal position governing the filing of an application seeking leave to defend under Section 25-B of the DRC Act.

25. In view of the foregoing discussion, this Court finds no reason to differ from the conclusion arrived at by the learned RC that the explanation furnished for the delay was vague and unsupported by material particulars. The circumstances pleaded by the learned counsel for the Petitioners, in the absence of any specific explanation accounting for the delay, do not constitute sufficient cause for condoning the same.

26. Thus, there is no infirmity or perversity in the Impugned Order warranting interference by this Court in exercise of its jurisdiction under Section 25-B(8) of the DRC Act. The jurisdiction of this Court under the said provision is limited and is not intended to substitute the view of the learned RC merely because another view may be possible. In the absence of any such material or particulars demonstrating sufficient cause for the delay, this Court finds no ground to take a different view from that taken by the learned RC.

27. For the reasons as stated above, this Court finds no merit in the present Petition. The present Petition is, accordingly, dismissed.

28. In view thereof, the present Petition, along with pending Application(s), if any, stands disposed of in the above terms.



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29. The date already fixed, i.e., 05.11.2026 stands cancelled.

HARISH VAIDYANATHAN SHANKAR, J
SEPTEMBER 22, 2026/nd/ma

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