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

Date of decision: 04.07.2023

+ **RC.REV. 627/2018 & CM APPL 53632/2018**

ASHOK KUMAR JAIN

..... Petitioner

Through: Ms. Gyan Mitra, Adv

versus

BHAJAN KAUR

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

: **JASMEET SINGH, J (ORAL)**

1. This is a petition seeking setting aside of the impugned order dated 16.10.2018 passed by ACJ, East District, Karkardooma Courts, Delhi in *Eviction Petition No. E-69/2018* titled “*Smt. Bhajan Kaur v. Ashok Kumar Jain*” under Section 14 (l) (e) read with Section 25-B of DRC Act, 1958 wherein the application seeking leave to defend has been dismissed and eviction order passed against the petitioner qua one shop at ground floor of House No. 6, Parwana Road, Baldev Park, Delhi-51.

2. It is submitted that the respondent has already obtained the possession of the tenanted premises.

3. Ms. Mitra, learned counsel for the petitioner has states that there is a dispute with regard to the identity of the respondent. She states that the GPA as well as the Will shows the owner of the property as “Harbhajan Kaur, w/o Sh Ganpat Rai and the petition for eviction has been filed by “Bhajan Kaur”.



4. A perusal of the application seeking leave to defend demonstrates that the said issue regarding identity of the respondent has not been raised by the petitioner before the ARC.

5. In addition, even though the petitioner disputes the tenant-landlord relationship, the leave to defend does not state as to who is the landlord of the petitioner. Hence, the leave to defend is only making bald denials.

6. The power of the Revision Court has been defined by the Division Bench in '**Director Directorate of Education and Another vs. Mohd. Shamim and Others**' [2019:DHC:6510-DB]. The relevant part of paragraph 3 of the judgment reads as under:-

“3. . . . Relying on the earlier judgment of the five Judges in Hindustan Petroleum Corporation Limited v. Dilbahar Singh, (2014) 9 SCC 78 has held that the High Court in revisional jurisdiction (under the Rent Act of Andhra Pradesh) is expected to see only whether the findings are illegal or perverse in the sense that a reasonably informed persons will not enter such a finding and that none of the Rent Control Acts entitle the High Courts to interfere with findings of facts or to take a different view on reappraisal of evidence; it was held that revisional power is not and cannot be equated with the power of reconsideration of all questions of fact as a Court of First Appeal.”

7. The learned ARC in para 5 of the impugned order has held as under:

“5. There is no denial by the respondent that the petitioner is not her landlady. The respondent admits that he occupies the premises as tenant but does not disclose the name of the



landlord. This fact coupled with the fact that there is no specific denial as to landlord-tenant relationship between the petitioner and the respondent. The same is inferred to be existent.”

8. Hence, I am of the view that there is no infirmity, illegality or perversity in the order of the ARC dated 16.10.2018, requiring interference by this Court.

9. In addition, it is also stated by Ms. Mitra, learned counsel for the petitioner that after obtaining possession of the tenanted premises, the respondent has not used the premises for the purpose for which the petition was filed.

10. I am of the view that in case same is not done, the remedy of the petitioner is under Section 19 of The Delhi Rent Control Act, 1958. Petitioner is at liberty to initiate action in case the situation has so arisen.

11. For the said reason, I am not inclined to entertain the petition and the same is dismissed.

12. *Dasti.*

JASMEET SINGH, J

JULY 4, 2023

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[Click here to check corrigendum, if any](#)