



2026:DHC:7051



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

*Reserved on: 04.08.2026
Date of Decision: 24.08.2026*

CNR No. DLHC010027662025

+ **CM(M) 165/2025 & CM APPL. 4987/2025 & CM APPL.
61972/2025 & CM APPL. 80121/2025**

CHANDER MOHAN SETHI

.....Petitioner

Through: **Mr. J. K. Bhola, Ms. Muskan
Bhola, and Mr. Divyansh
Verma, Advocates**

versus

M/S SUNEJA CARD EMPORIUM PVT LTD

.....Respondent

Through: **Mr. Kapil Sankhla, Mr. Saurabh
Gangwar, Ms. Richa Sharma,
Mr. Vipul Grover and
Mr. Shivansh Malik, Advocates**

**CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL**

J U D G M E N T

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1. This is a petition under Article 227 of the Constitution of India seeking setting aside of the orders dated 04.05.2022, 10.07.2023 and 18.12.2024, all passed by the learned Additional District Judge, Central, Tis Hazari Courts, Delhi¹.

2. There has been a long-standing litigation between the parties.

3. Shorn of all unnecessary details, the brief facts leading to the filing of the present petition are that the respondent initially filed an

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¹ Hereinafter "Trial Court"

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eviction petition under the Delhi Rent Control Act, being RC ARC No. 697/2019, on the ground of *bona fide* requirement. The said eviction petition was subsequently withdrawn by the respondent upon the petitioner's denial of landlord-tenant relationship.

4. Thereafter, the respondent, as plaintiff, instituted a suit for possession, arrears of rent, and damages in respect of property bearing no. Shop M.C. No. 2409, Ward No. V, Main Road, Chawri Bazar, Delhi².

5. During the pendency of the suit, the learned Trial Court *vide* order dated 04.05.2022, passed on an application filed by the respondent under Order XV-A of the Code of Civil Procedure, 1908³, directed the petitioner to deposit a sum of Rs. 1,500/- per month towards rent of the suit property till disposal of the suit. The relevant paras of the said order are reproduced hereinbelow for ready reference:

“8. Perusal of the defence taken by the defendant shows that the claim of the defendant that he has become owner of the suit property by way of adverse possession are bereft of necessary ingredient to constitute adverse possession. As on one hand, the defendant has claimed to have purchased the suit property from erstwhile owner and on the other hand, he has claimed adverse possession. The defendant has also not placed any document executed by the erstwhile owner in favour of the defendant. Thus, the court is of the *prima facie* view that defendant is liable to deposit the rent of the suit property on the monthly basis along with arrears w.e.f. 20/09/2020.

9. The plaintiff himself in the plaint has averred that father of the defendant was inducted in the suit property as a tenant by the erstwhile owner, on the basis of oral tenancy. It is further averred in the plaint that the defendant is the tenant in the suit property at the monthly rent of Rs.1500/- per month. The judgment relied upon by the plaintiff /applicant himself shows that the court is empowered to direct to deposit at such rate as the erstwhile

² Hereinafter “suit property”

³ Hereinafter “CPC”



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tenant/defendant may on the basis of material on record be found to have aggrieved to pay to the landlord. Further, plaintiff has not placed on record any document to show that the rent of the property in the vicinity of the suit property is Rs.50,000/- or more.

10. Thus, from the plaint itself it is evident that the rent of the premises is Rs.1500/- thus defendant is directed to deposit Rs1500/- per month as the rent of the premises till the disposal of the suit and also to deposit the arrears of rent w.e.f. 20/09/2020. Application is accordingly disposed off.”

6. Aggrieved by the aforesaid order dated 04.05.2022, the respondent approached this Court by way of CM(M) 715/2022.

7. This Court, *vide* judgment dated 06.12.2022, disposed of the said petition with a direction to the learned Trial Court to reconsider the application under Order XV-A read with Section 151 CPC and dispose of the same, in accordance with law.

8. Consequently, on 10.07.2023, the learned Trial Court adjudicated two applications, one under Order VII Rule 11 CPC preferred by the petitioner and the other under Order XVA-A CPC read with Section 151 CPC filed by the respondent.

9. By the said order, the learned Trial Court dismissed the petitioner's application and allowed the application filed by the respondent under Order XV-A CPC read with Section 151 CPC. The petitioner was consequently directed to deposit Rs. 50,000/- per month with effect from 01.12.2020, i.e., from the date of institution of the suit, till disposal of the suit. The operative para of the order reads thus:

“10. Accordingly, Application filed by the plaintiff under Order XV-A read with section 151 CPC is allowed and defendant is directed to deposit Rs. 50,000/-” per month in the Court with effect from 01.12.2020 i.e. from the date of institution of the present suit till disposal of the suit. Defendant shall deposit the arrears @ Rs. 50,000/- per month since 01.12.2020 upto 30.07.2023 within eight weeks from today and shall make deposit

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of Rs. 50,000/- in the court on every 7th day of the English calendar month commencing from 7th of August, 2023.”

10. In the interregnum, the petitioner also filed CM(M) 1746/2023 challenging the order dated 12.10.2023, whereby the learned Trial Court dismissed the petitioner’s application under Order VII Rule 10 and 10A read with Section 151 CPC.

11. While adjudicating CM(M) 1746/2023, this Court recorded that the learned counsel for the petitioner sought time to take instructions with regard to compliance with the order dated 10.07.2023 passed by the learned Trial Court, whereby the petitioner had been directed to deposit a sum of Rs. 50,000/- per month with effect from 01.12.2020 to 30.07.2023 and for the period commencing from 07.08.2023.

12. The said petition was ultimately dismissed *vide* order dated 05.12.2023 which records as under:

“9. This Court finds that the order passed by the Trial Court does not suffer from any infirmity or error, which would warrant any interference or correction by this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India.

10. In fact, a perusal of the record shows that the Petitioner herein is unwilling to comply with the order dated 10.07.2023 passed by the Trial Court under Order XV-A CPC and it appears to the Court that multiple applications have been filed to somehow non-suit the Respondent. This Court on the last date of hearing had called upon the Petitioner to comply with the said order, however, the counsel for the Petitioner has stated that the Petitioner is unwilling to do so. It is therefore, evident that this petition is a modus to not comply with the binding directions and is therefore an abuse of process.

11. This Court also finds from a perusal of the Trial Court's order dated 02.11.2023 that the Petitioner herein has exhibited lack of regard for the authority of Court and has been disrespectful to the presiding Judge. It is apparent that the Petitioner is seeking to browbeat the presiding Judge as the order passed is not favourable



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to him. This Court finds this conduct of the Petitioner is unacceptable and he is cautioned against such conduct.

12. For the aforesaid reasons, this petition is completely devoid of merit and is accordingly dismissed.

13. Pending applications, if any, stands disposed of.”

13. It is also relevant to note that the petitioner preferred a review of the order dated 10.07.2023 before the learned Trial Court. The said review petition was dismissed *vide* order dated 18.12.2024, whereby the petitioner was directed to pay the arrears of rent in terms of the earlier order within a period of 45 days to the respondent, failing which his defence was liable to be struck off.

14. The aforesaid order dated 18.12.2024 along with orders dated 04.05.2022 and 10.07.2023, have been challenged by the petitioner before this Court in CM(M) 165/2025.

15. Notice was issued to the respondent in the said petition on 27.01.2025. In the meantime, operation of the orders dated 10.07.2023 and 18.12.2024 was stayed, which interim protection has continued to subsist.

16. Accordingly, the matter has been taken up for disposal today.

17. Mr. J.K. Bhola, learned counsel appearing on behalf of the petitioner, submits that the impugned orders suffer from jurisdictional error, procedural irregularities and manifest injustice, pointing out that the respondent has admittedly purchased only an undivided $\frac{1}{2}$ share in the suit property and has failed to establish any exclusive right over the portion in the petitioner's occupation.

18. He submits that the petitioner has been in continuous and hostile possession of the suit property for several years and has raised a plea of adverse possession, which was not duly considered by the



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learned Trial Court. Reliance is place on **Saroop Singh v. Banto**⁴, in support of the plea relating to adverse possession and limitation, and on **K.K. Verma v. Union of India**⁵, to contend that the issue of title and the alleged landlord-tenant relationship required consideration before fastening any liability towards rent.

19. It is further submitted that the fixation of rent of Rs. 50,000/- per month *vide* order dated 10.07.2023 was arbitrary and excessive, having been based substantially on a single lease deed of a nearby property without proper consideration of the relevant factors or the material produced by the petitioner. Reliance is place on **Raghubir Rai v. Prem Lata**⁶ and **M/s Embassy Restaurant v. M/s Atma Ram Builders (P) Ltd.**⁷, in support of the submission that determination of rent under Order XV-A CPC must be based on appropriate material and cannot be arbitrary.

20. Learned counsel further submits that the petitioner was not afforded adequate opportunity to place counter-evidence regarding the prevailing rent and his defence, and relies upon **A.K. Kraipak v. Union of India**⁸, in this regard.

21. Lastly, Mr. Bhola submits, on instructions and at Bar, that the petitioner shall not lead any defence evidence before the learned Trial Court and prays that the matter be expeditiously disposed of by setting aside the impugned orders, or the rent fixed therein be suitably reconsidered.

22. *Per contra*, Mr. Kapil Sankhla, learned counsel for the defendant argues that the interim order dated 27.01.2025 of this Court

⁴ (2005) 8 SCC 330

⁵ AIR 1954 SC 375

⁶ (2014) 211 DLT 516

⁷ CM(M) 758/2016



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was obtained by the petitioner by suppression of material facts.

23. He further submits that the petitioner had taken a contradictory stand before the learned Trial Court by claiming ownership of the suit property while simultaneously pleading adverse possession, which was noticed in the order dated 04.05.2022.

24. It is further submitted that the petitioner had also challenged the order dated 12.10.2023 in CM(M) 1746/2023 and, thereafter, filed a review petition against the order dated 10.07.2023, facts which, according to the respondents, were not fairly disclosed in the present proceedings.

25. Relying upon *S.P. Chengalvaraya Naidu v. Jagannath*⁹, learned counsel submits that a party approaching the Court with unclean hands and suppressing material facts is not entitled to equitable relief. It is, therefore, prayed that the present petition be dismissed.

26. This Court has considered the submissions advanced by learned counsel for the parties and perused the material placed on record. Having regard to the nature of the controversy and the stage at which the proceedings before the learned Trial Court presently stand, this Court is of the view that no adjudication on the merits of the respective claims and defences is called for in the present proceedings.

27. It is relevant to note that the operation of the orders dated 10.07.2023 and 18.12.2024 has remained stayed during the pendency of the present petition. It has also been submitted that the evidence of the respondent before the learned Trial Court stands concluded. The learned Trial Court is, therefore, in a better position to consider and

⁸ AIR 1970 SC 150
⁹ (1994) 1SCC 1



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adjudicate the issues raised in the present petition in the context of the evidence already led before it.

28. Learned counsel for the petitioner, on instructions and at Bar, has stated that the petitioner shall not lead any defence evidence and that the suit may be decided by the learned Trial Court on the basis of the evidence already led by the respondent and the material available on record.

29. In view of the aforesaid statement and considering that the proceedings before the learned Trial Court have reached an advanced stage, this Court is of the view that the matter ought to be brought to its logical conclusion without any further delay.

30. Accordingly, without entering into the merits of the rival contentions or expressing any opinion on the questions relating to title, adverse possession, landlord-tenant relationship, limitation or determination of the amount payable towards rent/occupation charges, this Court considers it appropriate to set aside the impugned orders dated 04.05.2022, 10.07.2023 and 18.12.2024, leaving all questions of fact and law open for adjudication by the learned Trial Court in accordance with law, on the basis of the pleading and evidence already on record.

31. It is clarified that the observations contained in the present judgment shall not be construed as an expression of opinion on the merits of the suit or on any of the issues pending consideration before the learned Trial Court. The learned trial Court shall proceed with the matter uninfluenced by an observation made herein.

32. Considering that the suit has been pending for considerable time and has reached the fag end, the learned Trial Court is requested to make all endeavour to dispose of the suit expeditiously, preferably



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within a period of three months from the date of this Judgment, subject to its board.

33. The present petition is accordingly disposed of in the above terms. All pending application(s), if any, also stand disposed of.

34. This judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

AUGUST 24, 2026/gs/dd