



2026:DHC:8487



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 29.09.2026**# **CNR No. DLHC010180572026**+ **RC.REV. 144/2026, CM APPL. 28053/2026 (Stay) & CM APPL. 47524/2026 (For placing additional document on record)****SURENDER ARORA**

.....Petitioner

Through: **Ms. Samridhi Arora and Ms. Sanjana, Advocates.**

versus

SHANTA CHIBBER

.....Respondent

Through: **Mr. Sachin Aggarwal and Mr. Mohit Aggarwal, Advocates.****CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**

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JUDGEMENT (Oral)

1. The present Rent Control Revision Petition has been filed under Section 25B(8) of the Delhi Rent Control Act, 1958 [**“DRC Act”**], seeking the following reliefs:

“a) Set aside the eviction order dated 25.02.2026 passed by the Learned Senior Civil Judge-cum-Rent Controller, Shahdara District, Karkardooma Courts, Delhi in RC ARC No. 34/25;

b) Hold and declare that no valid service of summons was effected upon the Petitioner in accordance with the mandatory procedure prescribed under Section 25B of the Delhi Rent Control Act and Order V CPC;

c) Grant the Petitioner an opportunity to file application seeking leave to defend after directing proper service of summons in accordance with law;

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RC.REV. 144/2026

Page 1 of 17



2026:DHC:8487



d) Stay the execution, operation and implementation of the impugned eviction order during the pendency of the present Revision Petition;

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

2. By way of the Impugned Order dated 25.02.2026, the learned Rent Controller dismissed the Application under Order V Rules 12 and 15 read with Section 151 CPC, seeking, *inter alia*, a declaration that no valid service of summons had been effected in accordance with law and that service upon a “domestic servant” was invalid, and passed an order for eviction as against the Petitioner herein.

3. At the outset, this Court would like to observe that it is highly inappropriate in this day and age to refer anyone as a “servant”. This Court finds the terms domestic help, assistant or employee more appropriate and will be using the aforementioned terms instead of the derogatory term “servant”.

4. Learned counsel appearing on behalf of the Petitioner would seek to challenge the Impugned Order, stating it to be perverse and illegal as the same has come to be passed, according to the Petitioner, without ensuring lawful service of summons in accordance with the mandatory statutory procedure prescribed under Section 25B of the DRC Act.

5. She would submit that the learned RC has failed to consider the various lacunae and discrepancies in the service of the summons done upon the Petitioner herein. It would be submitted that the process-server purported to effect service through a local hourly domestic helper named Devender Kumar. It would further be submitted that the



2026:DHC:8487



service that was effected was also deficient as the Petitioner only received six loose pages and not the whole copy of the Eviction Petition filed before the learned RC.

6. It would further be submitted that serious discrepancies also arise from the Respondent's reliance on speed-post tracking reports purporting to show simultaneous delivery of summons at both the Petitioner's residential address and the tenanted shop at exactly the same date and time, down to seconds and milliseconds. Such simultaneous delivery at two distinct locations is inherently improbable and raises grave doubt regarding the genuineness of the alleged service documentation and the learned RC has ignored the said discrepancies and has erred in passing the said eviction order.

7. This Court has heard the learned counsel appearing on behalf of the Petitioner and perused the material on record.

8. 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.

9. The contours of the aforesaid jurisdiction are well settled. The Hon'ble **Supreme** Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**¹, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**², and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**³, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory

¹ (1998) 8 SCC 119

² (2014) 9 SCC 78

³ (2022) 6 SCC 30



2026:DHC:8487



and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

10. 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.**⁴, and **Sanjeev Hiranandani v. Sunny Grover**⁵.

11. 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, 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

⁴ 2024:DHC:9322

⁵ 2025:DHC:11285



2026:DHC:8487



power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature.”

12. 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.

13. 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 arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Judgment 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.

14. 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.



2026:DHC:8487



15. At this juncture, this Court deems it appropriate to reproduce the relevant findings rendered by the learned ARC, which read as under:

“9. Upon receiving the petition, vide order dated 15.05.2025 of the court, summons as per Schedule III of the DRC Act were directed to be issued to the respondent and the matter was next listed for 18.08.2025. The said summons were received back with the report of service upon an employee of the respondent on 16.07.2025 who had received the same after talking to the respondent on phone. On 18.08.2025, when the matter was next taken up for hearing, Ld. Counsel for the respondent appeared before the court through VC and orally submitted that the respondent has received only six documents and the petitioner may be directed to supply the complete set of documents. Further, it was on 01.09.2025, that the application in hand was filed on behalf the respondent.

10. Thus, the application seeking leave to defend was not filed by the respondent within 15 days from the date of service of summons and only a verbal submission was made on 18.08.2025 that he has not received the complete set of documents. Pertinently, even on 18.08.2025 no such submission was made by the respondent that since the service was effected upon servant of the respondent, therefore, the same is not a valid service. As per the report of the process server, the service was effected upon one employee of the respondent namely Devender Kumar. In the application in hand, the respondent has not disputed the name of the said employee and the fact that service was effected upon him. Further, the respondent has also nowhere denied in the application that the said Sh. Devender Kumar had contacted the respondent telephonically before receiving the summons and had received the same only thereafter.

11. It has been contended by Ld. Counsel for the respondent that the said Sh. Devender Kumar works for the entire society and the nature of his job is to clean cars etc. of the persons in the society and he also cleans the cars of the petitioner. It is further contended that the mobile number on which the said Sh. Devender Kumar had allegedly contacted the respondent is also not mentioned in the report of process server, thus, no proper service was effected upon the respondent. However, pertinently, these contentions of Ld. Counsel for the respondent do not find any mention in the application of the respondent. As already noted hereinabove, there is no denial at all that the said Sh. Devender Kumar had first telephonically contacted the respondent and only thereafter he had



received the summons on behalf of the respondent. Rather, in the application, two contradictory pleas have been made by the respondent since on one hand he has alleged that the said servant (Sh. Devender Kumar) had gone for a Kawad Yatra and was not present at home when the process server claims to have effected service him. Whereas on the other hand he is admitting that the said servant had received the summons.

12. Further, it is contended by Ld. Counsel for the respondent that after receiving the summons, the said servant (Sh. Devender Kumar) had gone for Kawad yatra and only when he returned from there did he handover the summons and 6 loose pages to the respondent. However, the date on which the said servant went for Kawad yatra and the date of his return therefrom have not been disclosed by the respondent either in the application or during the course of arguments. Further, no proof has been placed on record in support of the submission that the said servant had gone for Kawad yatra during the relevant period. Similarly, the date on which the said servant had handed over the summons to the respondent has also not been disclosed by the respondent. As such he has concealed the said facts from the court. Thus, the entire story of Kawad yatra and belated handing over of documents by the said servant of the respondent, appears to have been concocted by the respondent and the same does not inspire any confidence.

13. In the decisions relied upon by Ld. Counsel for the respondent, i.e., Subhash Anand case (supra) and Devender Nath case (supra), it has been held that the agent is empowered to accept service only when the summons sent by registered post acknowledged due are addressed to the agent in this behalf. However, in the present case, admittedly, the said Devender Kumar is not an agent of the respondent, therefore, there was no requirement of sending summons by way of registered post to him by specifically addressing him in this regard. He has received the summons on behalf of the respondent after receiving instructions from the respondent telephonically. Thus, this court is of the view that the aforesaid decisions are of no help to the respondent.

14. It is further contended by Ld. Counsel for the respondent that as per the mandate of S. 25(B) of the DRC Act, service of summons was also required to be effected upon the respondent by way of registered post but the same was not done in the present matter. Again, there is no plea to this effect in the application in hand nor any such plea was raised on 18.08.2025. Even otherwise, perusal of record reveals that vide order dated 15.05.2025, service was directed to be effected upon the respondent as per Schedule III of DRC Act in the prescribed proforma by way of ordinary process, registered post, AD as well as through affixation. Thus, evidently, all the modes for service were resorted to simultaneously



by the court. It has been held in the case of Mr. Sanjay Rathi Adv. Vs. Mr. Rajesh Sharma, Adv (supra) as under:-

"13. In view of the above discussion, the reference is answered in the following terms:

1. Both modes of service are mandated and have to be resorted to simultaneously by the Controller. However, if service through one mode is completed or successful, that is deemed sufficient, irrespective of whether the other mode is successful or not.

2. In case the tenant is served by both the modes, the period of 15 days for filing the leave to defend has to be counted from the first date of service. Time, for the purpose of filing leave to defend, does not depend on the second service of summons."

15. Thus, placing reliance upon the aforecited decision, this court is of the view that the contention that service was not effected upon the respondent through registered post is of no help to the respondent because the same has been effected through one mode, i.e., ordinary process.

16. Furthermore, the petitioner has also placed on record the postal receipt and tracking report in respect of summons issued to the respondent through speed post, as per which also, the summons were delivered to the addressee on 16.07.2025. Further, the petitioner has also placed on record his affidavit in support of the aforesaid proof of service. It has been held in the case of Victor Brothers & Another Vs Yogesh Chandra (supra):-

"7. The Impugned Order deals with the aspect of service in detail and gives its finding that the summons sent were in compliance with Schedule III of the DRC Act. It further sets out that the process server went to the subject premises on three occasions and on the third visit, the said Mr. Zahoor Ahmed accepted the same after conferring with Petitioner No. 2. The relevant extract is as follows:

"6. In the present matter present eviction petition was filed before the Court on 12.09.2022 and summons were issued to respondent for 23.11.2022. The aforesaid process were issued in terms of the third schedule. As per the report on the process. Process server visited the tenanted premises



2026:DHC:8487



no. E-5, 32, Inner Circle, Mezannine Floor, Connaught Place. New Delhi on 16.09.2022 at 12: 15 pm and found the premises locked. Thereafter, process server again visited the aforesaid premises on 06.10.2022 at 02:40 pm and the premises were found open and he called out for respondent when one person who introduced himself as the cousin brother of respondent no. 2, informed that the respondent no. 2 was away to his native village and shall return after one week to 10 day and the aforesaid person also informed the process server that his name was Zahoor Ahmed and so that he cannot accept the process since he has instructions from respondent no. 2. Subsequently, on 19.10.2022 process server again visited the aforesaid tenanted premises and again met the aforesaid person namely Sh. Zahoor Ahmed who informed that he was the cousin brother of the respondent no. 2 and again informed the process server that respondent no. 2 was away to his native village and has not returned and he has already spoken to respondent no. 2 and upon his responsibility to inform, respondent no. 2 accepted the process of the Court and even affixed his signatures on the process of the Court.

7. The aforesaid report was perused by the Court on 23.11.2022, and the aforesaid service was accepted to be duly served upon respondents on 19.10.2022, the Presiding officer was on leave, the matter was listed for 20.12.2022. In the present facts and circumstances and after taken due consideration of the report of the process server and also in view of the judgment relied upon by Ld. Counsel for the petitioner, I am of the considered view that the aforesaid process issued as per third schedule of the DRC Act to the respondent is a proper service and does not suffer any infirmity. Further the process issued to the respondent were also served to him through speed post, since, the affidavit of service/speed post were also placed on record.

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RC.REV. 144/2026

Page 9 of 17



2026:DHC:8487



Further, Ld. Counsel for the petitioner had placed on record affidavit of service, aforesaid postal receipts and tracking report which was duly considered by the undersigned on 23.11.2022.

[Emphasis Supplied]

7.1 The learned Trial Court, after careful examination of the service report, has found the service be in order. This Court has also examined the same and found that the service was effected upon a partner of the firm and since the Petitioner is a partnership firm, the service upon a partner of the firm, shall be deemed service upon the firm. In addition, the summons have been served in accordance with Schedule III of the DRC Act."

18. Further, all the said contentions were required to be raised by the respondent in his application for leave to defend which, evidently, has not been filed by him even till date. Thus, in view of the aforesaid facts and circumstances and considering that there are several contradictions in the version of the respondent and also the respondent has concealed the material facts from this court, this court is of the view that there is no requirement of calling the process server for his examination. Accordingly, the application in hand of the respondent is hereby dismissed."

(emphasis supplied)

16. Having considered the submissions advanced on behalf of the Petitioner and upon perusal of the Impugned Order, this Court is unable to discern any jurisdictional error, material irregularity or perversity in the decision-making process adopted by the learned Rent Controller so as to warrant interference in exercise of the limited revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act.

17. The principal grievance of the Petitioner is that there was no valid service of summons upon him and, consequently, the statutory period for filing an application seeking leave to defend could not have



2026:DHC:8487



commenced. The entire challenge, therefore, proceeds on the premise that the service effected upon Devender Kumar was invalid and that the subsequent postal service and the material placed on record by the Respondent were insufficient to constitute valid service.

18. However, the aforesaid submission does not appear to be borne out from the record as noticed by the learned Rent Controller. The process-server's report records that the summons were received by Devender Kumar, stated to be an domestic help/employee of the Petitioner, after he had spoken to the Petitioner telephonically. Significantly, as noticed by the learned Rent Controller, the Petitioner has not disputed either the identity of Devender Kumar or the fact that he received the summons on the Petitioner's behalf.

19. The conduct of the Petitioner immediately upon the matter being taken up before the learned Rent Controller is also material. On 18.08.2025, the Petitioner's counsel appeared before the learned Rent Controller and merely submitted that only six documents had been received and sought supply of the complete set. As correctly noticed by the learned Rent Controller, no objection was raised at that stage that the service was invalid merely because the summons had been received by Devender Kumar. The application raising such objections was filed subsequently on 01.09.2025.

20. This aspect assumes significance because the objection now sought to be projected as going to the root of jurisdiction was not the objection which was raised at the earliest available opportunity. Had the Petitioner's case genuinely been that service upon Devender Kumar was wholly unauthorised and incapable of constituting service



2026:DHC:8487



upon the Petitioner, there was no impediment in raising such an objection when the matter was first taken up on 18.08.2025. Instead, the contemporaneous objection was confined to the alleged non-supply of the complete set of documents.

21. The subsequent explanation offered by the Petitioner with respect to Devender Kumar also does not advance his case. Before the learned Rent Controller, the Petitioner sought to contend that Devender Kumar was merely a person engaged for cleaning cars in the society and was not his employee or agent. At the same time, the Petitioner took the further position that Devender Kumar had gone on a Kawad Yatra and had subsequently handed over the summons and six loose pages to him. The learned Rent Controller found these pleas to be internally inconsistent, particularly since the Petitioner had not disputed that Devender Kumar had received the summons and had contacted him telephonically before doing so.

22. The learned Rent Controller also noticed that the Petitioner had furnished no particulars or supporting material concerning the alleged Kawad Yatra, including the relevant dates, the date of return of Devender Kumar or the date on which the summons were allegedly handed over to the Petitioner. The finding that this subsequent explanation did not inspire confidence is thus founded upon the material available before the learned Rent Controller and cannot, in the absence of perversity, be characterised as a finding which this Court ought to reappraise in revision.

23. The objection regarding non-service through registered post/speed post is also without merit. The record, as noticed by the



2026:DHC:8487



learned Rent Controller, demonstrates that the Court had directed service through the modes contemplated under the statutory procedure, including ordinary process, registered post AD and affixation. The learned Rent Controller thereafter proceeded on the basis that service through one of the prescribed modes, once successfully effected, was sufficient.

24. In any event, the learned Rent Controller did not proceed merely on the basis of the ordinary process. The Respondent had also placed on record the postal receipt, tracking report and affidavit of service showing delivery of the summons to the addressee on 16.07.2025. Thus, even assuming that the Petitioner's objection concerning service through ordinary process required consideration, the finding of service was supported by more than one piece of material available on record.

25. The reliance placed by the Petitioner upon the alleged discrepancy in the speed-post tracking reports, namely that delivery was reflected at two different addresses on the same date and at the same time, also does not furnish a ground for interference in revision. At its highest, the submission raises a factual question concerning the evidentiary value of the tracking reports. It does not, by itself, demonstrate that the learned Rent Controller acted without jurisdiction or ignored a material piece of evidence. The learned Rent Controller had before it not merely the postal tracking material but also the process-server's report and the surrounding circumstances concerning the Petitioner's knowledge of the proceedings.

26. More importantly, the Petitioner's argument seeks this Court to



2026:DHC:8487



undertake a fresh evaluation of the evidence concerning the manner and validity of service. Such an exercise would effectively convert the jurisdiction under Section 25B(8) into an appellate jurisdiction. The law, as noticed hereinabove, does not permit the High Court to substitute its own assessment of the evidence merely because another view may conceivably be taken on the same material.

27. It is also relevant that the statutory scheme under Section 25B of the DRC Act contemplates a specific and expeditious procedure in eviction proceedings founded upon the grounds specified therein. The requirement of seeking leave to defend within the prescribed period is an integral part of that procedure. Once the learned Rent Controller, upon consideration of the material before it, concluded that service had been duly effected and that the Petitioner had failed to seek leave to defend within the prescribed period, the consequence of such failure followed in accordance with the statutory scheme.

28. The present proceedings cannot be permitted to become a means of reopening the period for filing an application for leave to defend by questioning, at a subsequent stage, factual aspects of service which were either not raised contemporaneously or were raised only after the prescribed period had elapsed. The learned Rent Controller specifically noticed that the Petitioner had not filed an application for leave to defend even subsequently and that the objections regarding the manner of service were accompanied by contradictions in the Petitioner's own version.

29. This Court is also conscious that the consequence of holding service to be valid is serious, inasmuch as it forecloses the Petitioner's



opportunity to seek leave to defend. However, the seriousness of that consequence cannot, by itself, enlarge the revisional jurisdiction of this Court. The question is not whether this Court, if exercising appellate jurisdiction, might have reached a different conclusion on the evidence. The question is whether the conclusion reached by the learned Rent Controller is one which could lawfully have been reached on the material before it.

30. In the present case, the answer must be in the affirmative. The learned Rent Controller considered the process-server's report, the Petitioner's own conduct when the matter was first taken up, the subsequent objections raised by him, the absence of supporting material for the explanation concerning the alleged Kawad Yatra, the postal receipt and tracking report, as well as the authorities cited on behalf of the Petitioner. The findings are consequently the result of an adjudicatory process and cannot be said to constitute an absence of adjudication or an error apparent on the face of the record.

31. The attempt of the Petitioner to characterise the findings as "perverse" also cannot succeed merely by pointing to disputed factual circumstances. Perversity would require the conclusion to be such that no reasonable judicial authority, on the material available, could have arrived at it, or that relevant material had been completely ignored. The present case does not fall within either category. The learned Rent Controller has furnished reasons for accepting the service and for rejecting the Petitioner's objections thereto.

32. It is equally significant that the learned Rent Controller has recorded a specific finding that the Petitioner's objections were not



2026:DHC:8487



merely unsupported but were, in material respects, inconsistent with the position emerging from the record. Such findings of fact, particularly where they are founded upon the pleadings and contemporaneous conduct of the parties, cannot be interfered with in a restricted revisional jurisdiction merely because the unsuccessful party seeks to place a different interpretation upon the same material.

33. Consequently, the challenge to the validity of service does not disclose any jurisdictional infirmity in the Impugned Order. Once the finding of valid service is sustained, the Petitioner's failure to file an application seeking leave to defend within the statutory period necessarily disentitles him from reopening the eviction proceedings at this stage through the present Revision Petition.

34. In view of the foregoing discussion, this Court finds that the Impugned Order dated 25.02.2026 does not suffer from any jurisdictional error, material irregularity, manifest illegality or perversity warranting interference under the proviso to Section 25B(8) of the DRC Act. The learned Rent Controller has considered the objections raised by the Petitioner and has arrived at its conclusion on the basis of the material available on record.

35. The present Revision Petition, therefore, amounts, in substance, to an invitation to this Court to re-appreciate the evidence relating to service and substitute its own view for that of the learned Rent Controller. Such an exercise is impermissible within the restricted parameters of Section 25B(8) of the DRC Act.

36. In view of the foregoing, the present Petition along with all pending application(s), if any, stands dismissed and disposed of in the



2026:DHC:8487



aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 29, 2026/v/va

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RC.REV. 144/2026

Page 17 of 17