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

Date of decision: 20.08.2026

CNR No. DLHC010390252026

+ RC.REV. 291/2026, CM APPL. 56312/2026 (Stay), CM APPL. 56313/2026 (Ex. From filing certified copy of the annexures) & CM APPL. 56314/2026 (Delay of 10 days in Re-filing the petition)

AMIT

.....Petitioner

Through: Mr. Varun Kumar, Advocate
along with Petitioner in person.

versus

SHAMO DEVI & ANR.

.....Respondents

Through: None.

CORAM:

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

% **JUDGEMENT (Oral)**

1. The present Revision Petition has been filed under Section 25-B(8) of the Delhi Rent Control Act, 1958 [**“DRC Act”**] read with Section 151 of the Code of Civil Procedure, 1908, seeking to assail the Order dated 31.01.2026 [**“Impugned Order”**] passed by the Court of learned Additional Rent Controller [**“learned ARC”**], Tis Hazari Courts, Delhi in Eviction Petition RC/ACR No. 124/2025 titled as *“Smt. Shamo Devi vs. Sh. Amit”*, whereby the learned Trial Court has declined to take on record the leave to defend application dated 07.04.2025, filed on behalf of the Petitioner, and has consequently

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proceeded with the eviction proceedings under Section 14(1)(e) of the DRC Act.

2. Learned counsel limits his challenge to the aforesaid Impugned Order on two grounds. *Firstly*, it is contended that there was no valid service of summons upon the Petitioner and, consequently, the period prescribed for filing the leave to defend Application could not have commenced from the date recorded by the learned Trial Court. He, however, candidly admits that the Petitioner had received summons on 11.04.2025 in the tenanted premises, in his room wherein his belongings were lying, and thereafter the revisionist engaged his counsel on 02.04.2025. It is on the basis of this contention that the Petitioner herein is stating that he only got served on 11.04.2025.

3. *Secondly*, learned counsel for the Petitioner sought to contend that there was nothing on record to substantiate the Respondent's case regarding the alleged landlord-tenant relationship, or to establish that the Petitioner was a tenant under the Respondent.

ANALYSIS AND CONCLUSION:

4. This Court has heard learned counsel appearing on behalf of the Petitioner at length, and, with his able assistance, perused the relevant documents as also the Impugned Order.

5. 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.

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

7. 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.

8. 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

¹ (1998) 8 SCC 119

² (2014) 9 SCC 78

³ (2022) 6 SCC 30

⁴ 2024:DHC:9322

⁵ 2025:DHC:11285



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.”

9. 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.

10. 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 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.

11. 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.

12. The Impugned Order passed by learned ARC is extracted hereinbelow:

“As per record, respondent no. 1 was duly served on 21.03.2025.
Leave to defend application on behalf of respondent no. 1 has been
filed on 07.04.2025. Same is barred by limitation.”

13. Insofar as the first contention is concerned, learned counsel appearing on behalf of the Petitioner submits that although the summons was served at the address of the tenanted premises, the Petitioner was not personally present there at the relevant time. It is submitted that, as per the process server's Report, the Summons was received by the wife of the Petitioner's younger brother, namely, Poonam Yadav, who allegedly kept the summons in the Petitioner's room without informing him. It is contended that the Petitioner came across the Summons only on 01.04.2025 when he visited the said room to collect certain personal belongings and documents relating to his children. It is further submitted that he thereafter approached his counsel and the leave to defend Application came to be filed on 07.04.2025.

14. At the outset, this Court finds that the very case set up by the Petitioner does not support his contention that the summons were not duly served. The Petitioner does not dispute that the summons were served at the address of the tenanted premises. It is also his own case that he continued to keep his personal belongings and documents in a room situated in the said premises and that he entered the premises on

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01.04.2025 for the purpose of collecting the same. Thus, the Petitioner himself acknowledges his subsisting connection with and access to the tenanted premises. In these circumstances, once the summons were served at the tenanted premises, the Petitioner cannot contend that the service was invalid merely because he was allegedly not personally present at the premises at the precise time when the summons were received.

15. Significantly, the Petitioner does not dispute the factum of service at the tenanted premises; rather, his case is that the summons, having been received by the wife of his younger brother, were allegedly kept in his room and did not come to his knowledge immediately. Such subsequent non-communication or alleged delay in acquiring knowledge of the summons cannot invalidate the service already effected at the tenanted premises. The service of summons cannot be rendered ineffective merely because the Petitioner claims that, owing to his personal arrangements or differences with the other occupants of the premises, the summons was not immediately brought to his notice.

16. Therefore, having admitted that the summons were served at the tenanted premises and that he had kept his belongings in and continued to access a room therein, the Petitioner cannot now be permitted to contend that the summons were not duly served. The plea of absence from the premises at the time of service, in the facts and circumstances of the present case, does not by itself dislodge the finding of the learned ARC that the Petitioner stood duly served on 21.03.2025.



17. Interestingly, in the Revision Petition, it is claimed that the Petitioner was residing in another accommodation due to a family dispute with his brother who was residing in the tenanted premises. There is no averment to this effect in either the Application for leave to defend or the Affidavit thereof. Clearly, the present narrative is only an attempt to set up a new story. Furthermore, the entire defense of the Petitioner before the learned ARC was that he was the owner and that there was no landlord-tenant relationship in existence.

18. Consequently, the period prescribed under Section 25-B of the DRC Act for filing the leave to defend application would commence from the date of service so recorded. The leave to defend Application having admittedly been filed only on 07.04.2025, the finding of the learned ARC that the same was barred by limitation does not warrant interference in exercise of the revisional jurisdiction of this Court.

19. The position in law in this regard stands settled. A Division Bench of this Court in *Shyam Sundar Wadhawan v. Vivek Arya*⁶, while considering the question of service of Summons in proceedings under the DRC Act, has held that the mere fact that summons addressed to the tenant is received by somebody other than the tenant does not, by itself, render the service invalid. The validity of service has to be examined in the facts and circumstances of each case. Where the Summons is addressed to the tenant and is received by another person with the consent, knowledge or direction of the tenant, such service would be as effective as service upon the tenant himself. The Court has further recognised that, depending upon the facts of a particular case, an attempt by a tenant to evade or avoid service may

⁶ 2014 (214) DLT 616



also constitute valid service. It has also been clarified that while mere affixation, in the absence of the circumstances warranting the same, would not by itself constitute valid service, affixation following refusal to receive the Summons would constitute valid service. The relevant portion of the aforesaid Judgment are reproduced hereinbelow:

“17. The conclusions are : -

(i) Merely because summons are addressed to the tenant but received by somebody else does not mean that in each and very such case the service is not a valid service whether there is or is not service/refusal depends upon the facts of each case.

(ii) If the summons is addressed to the tenant, and if the same is received by a person other than the tenant, but with consent/or knowledge or direction of the tenant, then the service is as effective as the service on the tenant. To clarify further, if summons are addressed to an agent of a tenant, then surely instead of the agent even the tenant himself can receive the same, then, why not a summons addressed to a tenant cannot be received by a person with consent or knowledge or direction of the tenant. A caveat : when a person other than the tenant receives the summons, the tenant must at that stage be in a place/state when he can file the leave to defend application within the prescribed period.

(iii) If the tenant uses subterfuges, including those cases where he is found to have endeavoured to conceal his personality, a court can, depending upon facts of a particular case hold that there is service/refusal of the summons.

(iv) Service effected directly by affixation is not a valid service but affixation done following the refusal to receive summons is a valid service.

(v) Summons sent by registered post, when are avoided to be received by the tenant, then in such circumstances where it is clear that the tenant has the knowledge that he must receive the registered post article, but yet he does not, it can as per facts of a case, be held that there is service/refusal by the tenant.”

20. Secondly, learned counsel for the Petitioner has thereafter sought to contend that there is nothing on record to substantiate the



case of the Respondent, particularly in support of the landlord-tenant relationship. In any event, in the absence of an Application seeking leave to defend or an Affidavit to controvert the averments in the Eviction Petition, the statute mandates a presumption that contents of such a Petition would be deemed to be admitted.

21. This contention, however, cannot be examined in the present proceedings. The Impugned Order is confined to the question of limitation arising from the service of Summons and the consequent filing of the leave to defend Application beyond the prescribed period. The learned ARC has not returned any finding on the aforesaid aspect of the relationship between the parties or on the sufficiency of the material relied upon by the Respondent in support of the Eviction Petition.

22. The scope of the present Revision Petition is, therefore, necessarily confined to examining the legality and propriety of the Impugned Order. This Court, while exercising revisional jurisdiction under Section 25-B(8) of the DRC Act, cannot embark upon an examination of matters which were neither considered nor adjudicated upon by the learned ARC in the Impugned Order. Such an exercise would, in substance, amount to this Court undertaking a fresh appreciation of matters which do not arise from the Impugned Order itself. No argument for condonation of delay in filing of the Application seeking leave to defend was made, save for that which has already been set out hereinbefore and discussed in detail.

23. The second contention, therefore, cannot furnish any ground for interference with the Impugned Order. The Petitioner would necessarily have to agitate any such contention at the appropriate stage



and before the appropriate forum, if otherwise permissible in law. The same cannot be examined for the first time in the present Revision Petition when no finding in respect thereof forms part of the Impugned Order.

24. In view of the aforesaid, no ground for interference with the Impugned Order is made out, and therefore, present Revision Petition stands dismissed.

25. Accordingly, the present Revision Petition, along with the pending application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 20, 2026/nd/va