



2026:DHC:7003



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

Date of decision: 21.08.2026

CNR No. DLHC010392032026

+ RC.REV. 292/2026, CM APPL. 56492/2026 (Ex. From filing certified copies of annexures), CM APPL. 56493/2026 (Ex. From filing complete TCR record) & CM APPL. 56494/2026 (Stay)

SUMAN RAJ KHURANA & ORS.

.....Petitioners

Through: Mr. Rajiv Bajaj, Mr. Naman
Arora and Mr. Shubham Bhati,
Advs.

versus

GAURAV SARIN & ORS.

.....Respondents

Through: Mr. Pawan Singh Bindra,
Senior Advocate with Mr.
Harish Kumar, Adv. for R-1
Mr. Satish Sahai, Adv. for R-2
& 3

CORAM:

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

JUDGEMENT (ORAL)

1. The present Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, seeks to assail the **Order dated 11.05.2026²** passed by the **learned ARC-01, Central District, Tis Hazari Courts, Delhi³** in **Eviction Petition, being RC ARC No. 236/2024⁴**, with respect to **part of property/premises bearing no. 219-220, A&B, Ward no. XIX, Daya Basti, Sarai Rohilla, Old**

¹ DRC Act

² Impugned Order

³ Learned ARC

⁴ Eviction Petition

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RC.REV. 292/2026

Page 1 of 16



2026:DHC:7003



Rohtak Road, New Delhi- 110035⁵.

2. By way of the Impugned Order, the Petitioners' Application seeking leave to defend the said Eviction Petition was dismissed and, consequently, an Eviction Order was passed in the favour of the Respondents.

SUBMISSIONS ON BEHALF OF THE PETITIONERS:

3. Learned counsel appearing on behalf of the Petitioners, at the outset, limits the challenge to the Impugned Order on two grounds.

4. *Firstly*, it is contended that the Respondents have no right, title or ownership in respect of **Property 220-B, Ward no. XIX, Daya Basti, Sarai Rohilla, Old Rohtak Road, New Delhi- 110035⁶**, which forms part of the Subject premises. *Secondly*, it is contended that the alleged *bona fide* requirement pleaded by the Respondents for establishing a shooting range is not genuine and thus not legally sustainable, particularly when there is no material on record demonstrating that such a shooting range can lawfully be established or operated from the Subject premises.

5. In respect of the first limb of the challenge, learned counsel for the Petitioners submits that the Respondents have failed to establish their ownership in respect of Property 220-B. It is contended that the Petitioners had placed material on record demonstrating that they had been paying the property tax in respect of the Property-220B, which, according to learned counsel, was a material circumstance bearing directly upon the question of ownership and which has not been duly considered by the learned ARC. He submits that the learned ARC has

⁵ Subject premises

⁶ Property 220-B



2026:DHC:7003



relied upon electricity bills and not referred to the property tax receipts.

6. Learned counsel submits that the aforesaid material was not appreciated by the learned ARC and that the finding returned in this regard proceeds upon an erroneous appreciation of the documents placed on record by the Petitioners. It is, therefore, contended that the question of ownership itself constituted a triable issue which could not have been conclusively determined at the stage of consideration of the Applications seeking leave to defend.

7. Adverting to the second limb of the challenge, learned counsel for the Petitioners submits that the *bona fide* requirement pleaded by the Respondents is for establishing an Air Pistol Shooting Range in the Subject premises. It is contended that no document, permission, license or other material has been placed on record to demonstrate that a shooting range of the nature proposed by the Respondents is permissible to be established or operated from the Subject premises.

8. Learned counsel submits that the mere assertion of an intention to establish a shooting range cannot, by itself, constitute a *bona fide* requirement within the meaning of Section 14(1)(e) of the DRC Act, particularly where the proposed use is subject to regulatory requirements and permissions. It is, therefore, contended that the absence of any material demonstrating the feasibility or permissibility of the proposed use gives rise to a triable issue warranting grant of leave to defend.

9. For the reasons stated in the present Petition and the aforementioned submissions advanced by the learned counsel for the Petitioners, issue Notice.



2026:DHC:7003



10. Mr. Harish Kumar, learned counsel, who appears on advance service, accepts Notice on behalf of the Respondent No. 1 and Mr. Satish Sahai, learned counsel, who appears on advance service, accepts Notice on behalf of the Respondent Nos. 2 and 3.

11. With the consent of learned counsel appearing on behalf of the parties, the present matter was taken up for final disposal.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

12. Learned Senior Counsel appearing on behalf of Respondent No. 1 submits that the challenge raised by the Petitioners is devoid of merit and proceeds upon a misappreciation of the findings returned by the learned ARC.

13. With respect to the first limb of the challenge, learned Senior Counsel submits that the objection regarding the ownership of Property 220-B was duly considered by the learned ARC. He submits that the Petitioners, having themselves admitted their status as tenants in respect of the Subject premises, cannot seek to question the title of the Respondents by relying merely upon the payment of property tax. It is contended that such payment, by itself, neither confers ownership nor alters the admitted relationship of landlord and tenant between the parties, and that the same has been appreciated by the learned ARC in the Impugned Order.

14. Learned Senior Counsel further draws the attention of this Court to Paragraph No. 13 of the Impugned Order, to submit that reference to electricity bill therein, is nothing more than an inadvertent typographical error. He submits that the material placed on record by the Petitioners and considered by the learned ARC related to payment



2026:DHC:7003



of property tax and not electricity charges. He further submits that the Judgment relied upon by the learned ARC in the said Paragraph also concerns the effect of payment of property tax. Consequently, the Petitioners cannot derive any substantive advantage from the inadvertent description of the document in the Impugned Order.

15. Adverting to the second limb of the challenge, learned Senior Counsel submits that the objection regarding the absence of any license, permission or NOC for establishing the proposed Air Pistol Shooting Range was specifically raised before the learned ARC and was duly considered. He submits that the learned ARC has dealt with the said objection in detail and, upon considering the material placed on record, has rightly concluded that the same does not constitute a triable issue.

16. Learned Senior Counsel further submits that, at the stage of consideration of an Application seeking leave to defend, the Respondents were not required to establish that every requisite permission for the proposed use had already been obtained. He submits that the Petitioners cannot, in the present Revision, seek to reopen an issue which has already been considered and adjudicated upon by the learned ARC.

17. Learned Senior Counsel accordingly submits that the findings returned by the learned ARC suffer from neither any jurisdictional infirmity nor any perversity or material irregularity warranting interference in exercise of the limited revisional jurisdiction of this Court. He, therefore, submits that the present Revision Petition is devoid of merit and is liable to be dismissed.



2026:DHC:7003



ANALYSIS:

18. This Court has heard learned counsel for the parties and, with their able assistance, perused the material available on record, including the Impugned Order and the documents placed before the learned ARC.

19. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioners, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the *proviso* to Section 25-B(8) of the DRC Act.

20. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*⁷, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁸, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁹, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25-B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

21. 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.*¹⁰, and *Sanjeev Hiranandani v. Sunny Grover*¹¹.

22. 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

⁷ (1998) 8 SCC 119

⁸ (2014) 9 SCC 78

⁹ (2022) 6 SCC 30

¹⁰ 2024:DHC:9322

¹¹ 2025:DHC:11285



2026:DHC:7003



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

23. 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 25-B(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/RC. 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.

24. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25-



2026:DHC:7003



B(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 Orders suffer from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC/RC is wholly unreasonable or founded upon an erroneous premise of law.

25. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged on behalf of the Petitioners against the Impugned Order are required to be examined.

26. At this juncture, this Court deems it appropriate to reproduce the relevant paragraphs of the Impugned Judgment. The same read as under:

“10) It is contended on behalf of the respondents that there is no landlord-tenant relationship and that petitioners are not the owner of the tenanted premises. It is further stated that the documents relied by the petitioners regarding ownership of property are not valid. However, the respondents have themselves stated to be the tenant in the demised premises. **It is settled law that the petitioner is not required to prove absolute ownership.** In this regard it is necessary to mention the law laid down in the judgment titled as **Rajender Kumar Sharma vs. Smt. Leela Wati** reported as **155 (2008) DLT 383**, the Hon'ble High Court of Delhi held that.

“.....It is settled law that for the purpose of section 14 (1) (e) of Delhi Rent Control Act, a landlord is not supposed to prove absolute ownership as required under Transfer of Property Act. He is required to show only that he is more than a tenant. In this case, the landlady had placed on record the documents by which she became owner. The attornment given by the erstwhile landlord in her favour as well as an admission made by the tenant by filing petition under section 27 of Delhi Rent Control Act acknowledgement the landlordship of landlady. Thus, the conclusion arrived at by the ARC regarding ownership and relationship of landlord and tenant were based on

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11:31:53

RC.REV. 292/2026

Page 8 of 16



2026:DHC:7003



sound legal position and the cogent material before it.....”

11) **Hence, the objection with respect to title deeds of petitioners also does not amount to any triable issue as imperfectness of title does not bar a petition u/s 14 (1) (e) of the DRC Act.** In this regard, it is important to bear in mind the principle laid down in the case of **Sh. Bharat Bhushan Vs. Arti Teckchandani 2008 (153) DLT 247** which is as follows: -

“The concept of ownership in a landlord-tenant litigation governed by the Delhi Rent Control Act, has to be distinguished from the one in a title suit. If the premises was let out by a person and after his death, the premises has come in the hands of beneficiary under a Will, the tenant has no right to challenge the title of such a beneficiary. If on the death of the original owner the tenant has any doubt as to who was the owner of the premises, he is supposed to file an interpleader suit impleading all the legal heirs of the deceased and ask the Court to decide as to who shall be the landlord/owner after the death of the original owner.”

12) **Thus, the petitioners have to show that they have a better title than that of the tenant. The principle is very clear that once a tenant always a tenant. The tenant cannot dispute the title of his landlord or his successor-in-interest.** In this regard, reliance is placed upon the case of **Ramesh Chand vs. Uganti Devi reported as 157 (2009) DLT 450** wherein the Hon'ble High Court of Delhi held:

"..... The imperfectness of the title of the premises cannot stand in the way of an eviction petition under section 14 (1) (e) of the DRC Act, neither the tenant can be allowed to raise the plea of imperfect title or title not vesting in the landlord and that too when the tenant has been paying rent to the landlord. Section 116 of the Evidence Act creates estoppels against such a tenant. A tenant can challenge the title of landlord only after vacating the premises and not when he is occupying the premises. In fact, such a tenant who denies the title of the landlord, qua the premises, to whom he is paying rent acts dishonestly.....".

13) **As far as the claim that respondents have been paying electricity bill which is in their name and they are the owners of the property in question. Per contra, petitioner has denied respondents are the owners of the property in question. It is submitted on behalf of the petitioners that the petitioners are the owners of the property and they have relied upon partition deed whereby the property came into the share of the petitioner upon partition. The possession of the respondents in**



2026:DHC:7003



the property is admitted by the petitioner himself. The claim of ownership by the respondents is a bald averment. No proof of ownership or title has been placed on record by the respondents. By merely making payment of electricity does not alter the status of the property and confer ownership of property to the respondents. In this regard, reliance is placed upon the case of *G.D. Seigell & Co. Pvt. Vs. Swarn Nijhawan & Ors. in CM Appl. 41461/2022* decided on 20.09.2024; wherein Hon'ble High Court of Delhi held: -

14.1. The trial court observed that the perusal of the Settlement Agreement dated 12.02.2014 also reflects that the property bearing no. 1560, Church Road, Kashmere Gate, Delhi was under occupation of the petitioner as a tenant on monthly rent of Rs. 200/- and Rajinder Nijhawan, predecessor-in-interest of the respondents, would alone be entitled to release of the rent deposited by the petitioner in the court. The trial court has also observed that the petitioner has failed to file any title documents to show its ownership of the portion mentioned as property no. 1560/A by the petitioner in his site plan as a separate property owned by him. The trial court did not accept the property tax challan in respect of the property bearing no. 1560/A as well as 1/1560 paid by the petitioner and observed that merely making payment of property tax vide two separate numbers by the petitioner does not alter the relationship of the landlord and tenant between the parties. The trial court has also relied upon the judgments passed in Mukesh Nigam v. Arun Kumar Khandelwal (supra) and Chapsibhai Dhanjibhai Danad v. Purushottam (supra). It was observed in Mukesh Nigam v. Arun Kumar Khandelwal (supra) that as per section 108(d) of Transfer of Property Act, 1882, if any accession is made to the leasehold property during the continuance of the lease, then such accession is deemed to be comprised in the lease. The Supreme Court in Chapsibhai Dhanjibhai Danad v. Purushottam (supra) held that if accession is by encroachment and the tenant acquires title thereto by prescription then he must surrender such accession together with leased premises to the landlord.

14.2. The petitioner has not placed any relevant document which can reflect that the properties bearing nos. 1/1560 and 1560/A are two separate properties and property no. 1560/A is under the ownership of the petitioner as claimed by the petitioner. The trial court has rightly observed that merely making the payment of property tax separately in respect of property bearing nos. 1/1560 and 1560/A does not confer any ownership, right, title or interest in respect

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BHATIA
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RC.REV. 292/2026

Page 10 of 16



2026:DHC:7003



of the petitioner regarding property no. 1560/A. It is also an accepted proposition of law that if any accession is made in the tenanted premises, then the accession is also liable to be vacated in pursuance of the eviction order. The arguments as advanced by the counsel for the petitioner are without any force.

14) Besides in the present case, the petitioners have not to prove absolute ownership. They only have to show that they have a better title than that of the tenants. The principle is very clear that once a tenant always a tenant. The tenant cannot dispute the title of his landlord or his successor-in-interest. Hence, the contention that title documents of the petitioners are not valid, does not amount to any triable issue when the respondents themselves have admitted their status of tenant in the property.

15) A tenant is estopped from challenging the ownership or denying the title of the landlord. Accordingly, it can be stated that the petitioners are the owners/landlords of the tenanted premises and the respondents are the tenants in the said premises. Thus, the first ingredient of landlord-tenant relationship between the parties in the present case, stands established.

20) Next it is contended by the respondents that the petitioners wish to establish Air Shooting Range in the tenanted premises, however, no arms licence, clearance from Delhi Police/MCD/pollution department has been placed on record by the petitioners. Per contra, the same is denied by the petitioners. It is stated that no permission is required from Police/MCD/Pollution department before establishing the Air Pistol Shooting Range. No cogent proof has been placed on record by the respondents to prove that NOC/permission is required from concerned departments before starting a shooting range. However, it is pertinent to note that the DRC act is silent about any requirement of the landlord for giving details/divulging anything qua the nature/purpose of the proposed business. Hence, the landlord is not required to disclose the exact nature of use of premises in eviction petition. Reliance in this regard is placed upon the decision of Hon'ble Delhi High Court in H S Banka vs Mohan Lal 2025 SCC Online Del 6372. Even otherwise, in the case of Raj Kumar Khaitan & Ors. Vs. Bibi Zubaid Khatun & Ors, AIR 1995 SC 576, it was held by Hon'ble Supreme Court that even if the nature of business would have been indicated, nobody could bind the landlords to start the same business in the premises after it was vacated. Thus, it is the prerogative of the landlord to determine which business he intends to start and whether the tenanted premises is suitable or not for said purpose. Thus, the said contention is also devoid

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11:31:53

RC.REV. 292/2026

Page 11 of 16



2026:DHC:7003



of merits. Hence, a bald averment has been made in this regard and therefore the said contention is devoid of merits.

21) Hence, *I find the petitioner no.1 has been able to establish his bonafide requirement for the tenanted premises.*”

(Emphasis supplied in bold and underline)

27. In the facts of the present case, the first limb of the challenge pertains to the ownership of the Subject premises. The Petitioners contend that the Respondents have failed to establish their ownership and seek to rely upon the payment of property tax by them in support of their claim.

28. The said contention, however, does not merit acceptance. The learned ARC has duly considered the objection regarding the title of the Respondents and has correctly proceeded on the settled principle that, for the purposes of Section 14(1)(e) of the DRC Act, the landlord is not required to establish absolute ownership as would be required in a title suit, but is required to establish a title better than that of the tenant.

29. Further, the admitted position remains that the Petitioners claim to be tenants in the Subject premises. In such circumstances, the Petitioners cannot, during the subsistence of the tenancy, seek to challenge the title of the Respondents merely on the ground that the latter have not established an absolute title to the property. The learned ARC has, therefore, rightly held that the objection regarding the title documents does not, in the facts of the present case, constitute a triable issue.

30. Further, more importantly, the reliance placed by the Petitioners upon the payment of property tax, and their principal ground that the said aspect has not been considered by the learned ARC also does not



2026:DHC:7003



advance their case.

31. A perusal of Paragraph 13 of the Impugned Order does show that the learned ARC has referred to the Petitioners having paid the “*electricity bill*” in their name. However, the reference to “*electricity bill*”, in the context of the material forming part of the record, is plainly an inadvertent typographical error. The material relied upon by the Petitioners was, in fact, the payment of property tax, and not any electricity bill. Significantly, even the Judgment relied upon by the learned ARC immediately thereafter, *namely, G.D. Seigell & Co. Pvt. Ltd. v. Swarn Nijhawan & Ors.*¹², deals with the legal effect of payment of property tax and specifically holds that mere payment of property tax does not confer ownership, right, title or interest in the property.

32. Consequently, the Petitioners cannot derive any advantage from the inadvertent use of the expression “electricity bill” to contend that their plea regarding payment of property tax was altogether overlooked. The substance of the contention was considered by the learned ARC and was rejected on the legal principle that payment of property tax, by itself, does not confer ownership or alter the relationship of landlord and tenant between the parties.

33. In these circumstances, the contention that the learned ARC failed to consider the documents evidencing payment of property-tax is demonstrably untenable. The Petitioners are, in substance, seeking to elevate an obvious typographical error in the description of the document into an error in the decision-making process. No such error

¹² 2024:DHC:7323



2026:DHC:7003



is discernible. The relevant contention was considered, the material was examined and a finding was returned thereon. The mere fact that the learned ARC inadvertently described the document as an “*electricity bill*” cannot, in the circumstances of the present case, furnish any ground for interference in exercise of the limited revisional jurisdiction of this Court.

34. Adverting to the second limb of the challenge, the Petitioners contend that the *bona fide* requirement for establishing an Air Pistol Shooting Range is not legally sustainable in the absence of any license, permission or NOC from the concerned authorities.

35. This objection was specifically raised before the learned ARC and has received due consideration. The learned ARC has recorded that no cogent material was placed by the Petitioners to establish that such permission was a prerequisite before establishing the proposed Air Pistol Shooting Range. The learned ARC has thereafter considered the legal position and concluded that the objection did not give rise to any triable issue.

36. The grievance of the Petitioners, therefore, essentially invites this Court to undertake a fresh examination of whether the proposed shooting range would require particular licenses or permissions and whether the material placed before the learned ARC was sufficient to establish such requirement. Such an exercise would amount to re-appreciation of the factual and evidentiary material and substitution of the view of this Court for that of the learned ARC, which is impermissible in the limited revisional jurisdiction under Section 25-B(8) of the DRC Act.

37. At this stage, this Court is not required to determine the ultimate



2026:DHC:7003



regulatory permissibility of the proposed activity as though adjudicating the matter in appellate jurisdiction. The limited question is whether the learned ARC, while considering the Applications seeking leave to defend, failed to consider a material defence or arrived at a conclusion so perverse or legally untenable as to warrant interference. No such infirmity is discernible from the Impugned Order.

38. The two grounds urged by the Petitioners, therefore, do not disclose any failure of adjudication on the part of the learned ARC. The question of ownership was considered in the backdrop of the admitted relationship of tenancy and the applicable principle of tenant's estoppel, while the objection concerning the absence of license or permission for the proposed shooting range was expressly considered and rejected on the basis of the material placed before the learned ARC.

39. This Court is, accordingly, of the considered view that the present Revision Petition seeks, in substance, a re-appreciation of the material already considered by the learned ARC and an alternative assessment of the conclusions reached by it. Such an exercise is plainly outside the narrow parameters of the revisional jurisdiction vested in this Court under the proviso to Section 25-B(8) of the DRC Act.

40. No jurisdictional error, manifest illegality, material irregularity or perversity has been demonstrated in the Impugned Order. The conclusions arrived at by the learned ARC are based upon the material available on record and the legal principles governing an Eviction Petition under Section 14(1)(e) of the DRC Act. The mere possibility



2026:DHC:7003



of another view being taken on the material available on record cannot furnish a ground for interference in revision.

41. In view of the foregoing discussion, this Court finds no merit in either of the grounds urged by the Petitioners. The Impugned Order does not call for any interference in exercise of the revisional jurisdiction of this Court.

DECISION:

42. Accordingly, the present Petition, being devoid of merit, is dismissed.

43. The present Petition, along with pending Application(s), if any, is disposed of in aforementioned terms.

44. There shall be no Order as to the Costs.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 21, 2026/rk/DJ

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11:31:53

RC.REV. 292/2026

Page 16 of 16