



2026:DHC:7002



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 21.08.2026**# **CNR No. DLHC010392652026**

+ RC.REV. 293/2026, CM APPL. 56555/2026 (Ex. From filing typed copies of annexures), CM APPL. 56556/2026 (Ex. From filing certified copies of annexures), CM APPL. 56557/2026 (U/O XXXIX Rule 1 & 2) & CM APPL. 56558/2026 (Delay of 40 days in Re-filing the petition)

MANGAL SINGH

.....Petitioner

Through: Mr. Amod Sharma, Adv.

versus

EKTA KAUSHIK

.....Respondent

Through: Mr. Yashpreet Singh, Adv.

CORAM:**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR****ORDER**

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18.08.2026

1. The present Rent Control Revision Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, seeks to assail the **Order dated 19.03.2026²** passed by the **learned SCJ-cum-RC, North-West District, Rohini Courts, Delhi³** in the **Eviction petition, being RC ARC No.40/2024⁴**.

2. By the Impugned Order, the learned RC dismissed the Application filed by the Petitioner seeking leave to defend and consequently passed an Eviction Order in respect of **property bearing**

¹ DRC Act

² Impugned Order

³ Learned RC

⁴ Eviction Petition



2026:DHC:7002



No. D-3, Ground Floor, Rana Pratap Bagh, New Delhi-110007⁵,
directing the Petitioner to vacate the Subject premises.

SUBMISSION ON BEHALF OF THE PETITIONER:

3. Learned counsel appearing on behalf of the Petitioner, at the outset, submits that the challenge to the Impugned Order is principally founded upon two grounds, *viz.*, *firstly*, that the Respondent lacked the *locus* to institute and maintain the Eviction Petition and, *secondly*, that the Respondent deliberately concealed the correct address of the Petitioner while effecting service of summons in the said Eviction Petition.

4. In respect of the first limb of the challenge, learned counsel for the Petitioner submits that no landlord-tenant relationship existed between the parties and, consequently, the Respondent had no *locus* to institute or maintain the Eviction Petition.

5. Elaborating upon the aforesaid submission, learned counsel contends that the alleged Family Settlement relied upon by the Respondent in support of her claim of ownership/title is a fabricated and unregistered document and, therefore, confers no right, title or interest upon the Respondent in respect of the Subject premises.

6. Learned counsel further draws the attention of this Court to the categorical averment contained in the Eviction Petition itself, to the effect that the Respondent and her brother, Mr. Vikas Sharma, had jointly inherited the Subject premises upon the demise of their mother, Late Smt. Prabha Sharma.

7. It is, therefore, contended that the Respondent could not have instituted or maintained the Eviction Petition in her individual

⁵ Subject premises



2026:DHC:7002



capacity, particularly without impleading the said Mr. Vikas Sharma as a party thereto.

8. Learned counsel further submits that, quite apart from the question of title or ownership, the Respondent could not even be regarded as the landlady of the Subject premises, since the rent in respect thereof was being paid to Mr. Vikas Sharma, stated to be the brother of the Respondent.

9. Adverting to the second limb of the challenge, learned counsel for the Petitioner assails the Impugned Order on the ground of alleged concealment of the Petitioner's correct address by the Respondent. It is contended that the manner in which the Eviction Petition was instituted and summons were caused to be served was such as to deprive the Petitioner of an effective opportunity to appear and contest the proceedings.

10. Learned counsel submits that the summons in the Eviction Petition were deliberately caused to be served at the Subject premises, notwithstanding the Respondent's own case before the learned RC that the said premises were lying vacant. It is further submitted that the Respondent was, at all material times, aware of the Petitioner's other address, where the Petitioner was carrying on his business and working for gain, as was also specifically disclosed in the Eviction Petition.

11. It is, therefore, contended that the Respondent was conscious that service at the Subject premises, which were lying vacant, would not result in the Petitioner receiving actual notice of the proceedings, and therefore indicates the lack of *bona fides* of the Respondent.

12. No other submissions were advanced by the learned counsel for



2026:DHC:7002



the Petitioner.

ANALYSIS:

13. 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 Rent Controller.

14. 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.

15. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*⁶, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁷, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁸, 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.

16. 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.*⁹, and *Sanjeev Hiranandani v. Sunny Grover*¹⁰.

17. In *Abid-Ul-Islam (supra)*, the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25B of the

⁶ (1998) 8 SCC 119

⁷ (2014) 9 SCC 78

⁸ (2022) 6 SCC 30

⁹ 2024:DHC:9322

¹⁰ 2025:DHC:11285



2026:DHC:7002



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

18. 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.

19. In view of the foregoing discussion, the position which emerges

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RC.REV. 293/2026

Page 5 of 13



2026:DHC:7002



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 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.

20. 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.

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

“11. From the consideration of arguments and perusal of record it is noted that the respondent has not disputed his own capacity as tenant in the property in question. The respondent has admitted that respondent has been paying rent to the brother of petitioner, namely, Sh. Vikas Sharma. In the leave to defend application, the respondent has not challenged the ownership of forefathers of petitioner and her brother Sh. Vikas Sharma. The petitioner has filed the rent receipts signed by respondents where in the maternal grandfather of the petitioner, namely, K.P.Sharma and mother of petitioner Mrs. Prabha Sharma has been mentioned as owner/landlord of the shop in question. The respondent has not challenged the said rent receipt on any ground whatsoever. Once respondent has admitted the fact that the maternal grandfather/mother of the petitioner was owner/landlord of the property in question, there does not remain any doubt in the position of law that any of the legal heir of the deceased landlord can file the proceeding for eviction being co-owner, without any necessity of impleading the other co-owner of the property. In addition to case law relied upon by petitioner in this regard, the case of Dinesh Kumar v. Krishan Lal Khurana & Ors. decided by Hon'ble High Court of Delhi on 05.11.2024 is worth mentioning,



2026:DHC:7002



wherein Hon'ble High Court of Delhi has taken note of all existing law/case law in this regard and observed that eviction petition can be filed by anyone or more co-owner without impleading the other co-owners as a party to eviction petition and same is maintainable with the only rider that consent of the other co-owners shall be presumed unless demonstrated otherwise. In the case at hand, the respondent has not placed on record any fact from which the objection of brother of petitioner can be presumed. Even it has not been mentioned in leave to defend that brother of petitioner is objecting party to the present petition.

11.3 As far as the objection of respondent regarding concealment of actual address of respondent is concerned, the Court has not found any concealment on the part of the petitioner as petitioner has mentioned the correct address of the tenanted premises and in pursuance of that respondent has filed application seeking leave to defend in time."

(Emphasis supplied)

22. A perusal of the aforesaid findings of the learned RC would show that the objection regarding the *locus* of the Respondent was considered in the context of the admitted position that the Petitioners were tenants in the Subject premises and had admittedly been paying rent to Mr. Vikas Sharma, the brother of the Respondent. The learned RC further noticed that the Petitioners had not disputed the title of the Respondent's predecessors-in-interest, *namely*, her maternal grandfather and mother, nor had they challenged the rent receipts placed on record by the Respondent, wherein the said persons were reflected as the owner/landlord of the Subject premises.

23. The learned RC, upon consideration of the aforesaid material, proceeded on the basis that the Respondent, being one of the legal heirs of the erstwhile owner/landlord, could maintain the Eviction Petition in her capacity as a co-owner, notwithstanding the non-impleadment of her brother.

24. The learned RC, in this regard, also took note of the Judgment



2026:DHC:7002



of this Court in *Dinesh Kumar v. Krishan Lal Khurana & Ors.*¹¹, and held that an Eviction Petition instituted by one or more co-owners is maintainable without the necessity of impleading the remaining co-owners, unless the consent of such other co-owners is specifically shown to have been withheld.

25. The aforesaid approach of the learned RC cannot, in the considered opinion of this Court, be said to suffer from any jurisdictional error or material irregularity warranting interference in exercise of the limited revisional jurisdiction under the *proviso* to Section 25-B(8) of the DRC Act.

26. The mere fact that the Respondent's brother was also stated to have succeeded to the Subject premises, or that rent had at some stage been paid to him, would not, by itself, dislodge the Respondent's status as a co-owner or render the Eviction Petition non-maintainable, particularly when the Petitioners themselves did not place on record any material to demonstrate that the said co-owner had objected to the institution of the Eviction Petition.

27. It is equally significant that the Petitioners' objection, as noticed by the learned RC, was not founded upon any specific assertion that Mr. Vikas Sharma, the alleged co-owner, had repudiated or objected to the Respondent's claim to maintain the Eviction Petition. In the absence of any such material, the objection raised by the Petitioners does not, in the facts of the present case, disclose a triable issue of such nature as would warrant interference with the conclusion arrived at by the learned RC.

28. Further, the contention founded upon the alleged Family

¹¹2024:DHC:9032



2026:DHC:7002



Settlement does not, in any event, advance the case of the Petitioners, as no such plea was raised before the learned RC or taken in the Application seeking leave to defend. The Petitioners cannot, therefore, be permitted to introduce, for the first time in the present Revision, a ground which did not form part of their defence before the learned RC, particularly when the revisional jurisdiction under the *proviso* to Section 25-B(8) of the DRC Act does not contemplate the introduction of a new factual foundation at this stage.

29. Further, it is significant that the Petitioner have nowhere disputed that the Respondent and her brother, Mr. Vikas Sharma, are the legal heirs/successors-in-interest of Late Smt. Prabha Sharma, who, in turn, was the legal heir/successor-in-interest of Late Sh. K.P. Sharma, the original landlord of the Subject premises.

30. The Petitioners, in their Application seeking leave to defend, did not dispute the ownership of the predecessors-in-interest of the Respondent and her brother, Mr. Vikas Sharma. The Respondent had also placed on record, before the Learned RC, rent receipts bearing the signatures of the Petitioners, wherein Late Sh. K.P. Sharma and Late Smt. Prabha Sharma were specifically reflected as the owner/landlord of the Subject premises. Significantly, no objection or challenge was raised by the Petitioners to the said rent receipts or to the ownership of the persons therein described as the landlord(s).

31. Therefore, the finding of the learned RC proceeds upon the admitted relationship of tenancy, the title of the Respondent's predecessors-in-interest, the rent receipts placed on record, and the Respondent's status as one of the legal heirs/co-owners of the Subject premises.



2026:DHC:7002



32. Consequently, even assuming that the Petitioners were to raise a dispute regarding the nature, validity or legal effect of the alleged Family Settlement, such dispute, in the facts as noticed by the learned RC, would not by itself render the Eviction Petition non-maintainable,

33. The Petitioners, having entered into and continued in possession of the Subject premises in the capacity of tenants under the predecessors-in-interest of the Respondent, cannot, during the subsistence of such tenancy, ordinarily be permitted to dispute the title or status of the landlord, who assumed such role as one of the legal heirs, unless it is shown that the character of such possession has subsequently undergone a lawful change.

34. The principle, succinctly expressed as “*once a tenant, always a tenant*”, has received consistent recognition in the judicial precedents. In *M/s Jagdambey Builders Pvt. Ltd. v. J.S. Vohra*¹², this Court, after noticing the consistent line of authorities on the subject, reiterated the aforesaid principle in the following terms:

“The principle, “once a tenant always a tenant” can also be invoked in this respect. This Court in *M.R. Sawhney Vs. Doris Randhawa* AIR 2008 Delhi 110 (SLP No. 13820/2008 whereagainst was dismissed on 22nd October, 2010) held “ex-facie, once a tenant always remains tenant, unless the status changes by contract or by operation of law”. As far back as in *Abdul Hakim Mia Vs. Pana Mia Miaji* AIR 1919 Calcutta 293 (DB) also it was held that the lessee cannot alter the character of his possession and that if the plaintiff inducted the tenant into possession, obviously the character of the possession could not be altered, without the consent of the plaintiff. Similarly, in *M. Mujibar Rahaman Vs. Isub Surati* AIR 1928 Calcutta 546 followed in *Sanapathi Sitharamiah Vs. Nandarapu Ramaswamy* AIR 1938 Madras 73 it was held that estoppel under Section 116 of the Evidence Act, 1881 continues, even after the expiration of the period of the lease and unless the tenant openly surrenders possession he is estopped from contesting the title of the landlord. The High Court of Punjab &

¹² (2016) 228 DLT 49



2026:DHC:7002



Haryana also in *Gurcharan Singh Vs. Mukhtiar Singh* 2010 SCC OnLine P&H 4757 held that a tenant in possession of the property cannot set up title by adverse possession in view of Section 116 of the Evidence Act, challenging the title of the owner/landlord of the property in dispute and that the principle of “once a tenant always a tenant” would apply. I may mention that the position of a tenant in this regard is the same as that of a licensee qua which it was held by the Supreme Court in *Sant Lal Jain Vs. Avtar Singh* (1985) 2 SCC 332:

“the respondent was a licensee and it must be deemed to be always a licensee. It is not open to him, during the subsistence of the licence or in the suit for recovery of possession of the property instituted after the revocation of the licence to set up title to the property in himself or anyone else. It is his plain duty to surrender possession of the property as a licensee and seek his remedy separately in case he has acquired title to the property subsequently”.

35. The first limb of the challenge, therefore, does not disclose any error apparent on the face of the record, perversity or material irregularity in the decision-making process of the learned RC. The finding that the Respondent could maintain the Eviction Petition in her capacity as a co-owner, in the absence of any material demonstrating opposition thereto by the other co-owner, does not call for interference in the present Revision.

36. This Court may now advert to the second limb of the challenge, *namely*, the allegation that the Respondent deliberately concealed the correct address of the Petitioners and thereby caused summons to be served at the Subject premises despite knowing that the same were lying vacant.

37. The learned RC has specifically considered this objection and has recorded a categorical finding that no concealment of the Petitioners’ address was made by the Respondent. The learned RC further noticed that the address of the tenanted premises had been



2026:DHC:7002



furnished and that the Petitioners had, in fact, filed their Application seeking leave to defend within the prescribed period.

38. The mere fact that the summons were served at the Subject premises, therefore, cannot, in the facts of the present case, by itself establish deliberate concealment or *mala fides* on the part of the Respondent, particularly when the Petitioners admittedly became aware of the proceedings within the prescribed period and were able to avail of the statutory remedy of seeking leave to defend.

39. More importantly, the Petitioners have not demonstrated before this Court any procedural irregularity in the service of summons which resulted in any actual prejudice to their right to contest the Eviction Petition.

40. The object of service is to secure notice of the proceedings to the party concerned, and where the record itself demonstrates that the Petitioners received notice and exercised their statutory right to seek leave to defend within time, the allegation that the mode of service, by itself, vitiated the subsequent proceedings cannot be accepted in the absence of demonstrable prejudice.

41. The second limb of the challenge, therefore, also fails to disclose any such infirmity in the decision-making process of the learned RC as would warrant exercise of the limited revisional jurisdiction of this Court.

42. In view of the foregoing discussion, this Court is of the considered view that neither of the two grounds urged by the Petitioners assails the Impugned Order on any ground warranting interference under the *proviso* to Section 25-B(8) of the DRC Act. The findings returned by the learned RC are founded upon the material



2026:DHC:7002



available before it and cannot be characterised as perverse, manifestly erroneous or unsupported by the record. Consequently, this Court finds no reason to interfere with the Impugned Order.

DECISION:

43. Accordingly, the present Petition, being devoid of merit, is liable to be dismissed.

44. The present Petition, along with pending Application(s), if any stands disposed of.

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

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

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RC.REV. 293/2026

Page 13 of 13