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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 11.12.2024*+ **RC.REV. 134/2019, CM APPL. 46543/2022, 34619/2023, 50007/2023, 9028/2024 & 67547/2024**

NOOR AHAMD & ANR

.....Petitioners

Through: Mr. Bahar U. Barqi and Mr. Maroof
Ahmad, Advocates.

versus

MOHD SADIQ

.....Respondent

Through: Mr. Pranav Jain, Ms. Srishti Govil,
Mr. Divyanshu Agrawal & Mr.
Tanish Manuja, Advocates.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Petition has been filed on behalf of the Petitioners/tenants impugning the order dated 21.01.2019 [hereinafter referred to as "Impugned Order"] passed by the learned ARC-1 (Central), Tis Hazari Courts, Delhi. By the Impugned Order, the Leave to Defend/Contest Application filed by the Petitioners/tenants has been dismissed with respect to the premises i.e., two rooms, two kitchens, one latrine, one bathroom and one store room on the Ground Floor of property bearing No.919 (New No.1022), Gali Rajan, Farash Khana, Delhi-110006 [hereinafter referred to as "subject premises"].

2. The undisputed facts in the present case are below:

(i) The Leave to Defend/Contest Application was filed by the



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Petitioners/tenants before the learned Trial Court and the learned Trial Court, after examining the same and the contentions raised therein, found that no triable issues had been raised;

(ii) In view of the fact that the user and occupation charges were not being paid, as was fixed by this Court in terms of judgment of the Supreme Court in *Atma Ram Properties (P) Ltd. vs. Federal Motors (P) Ltd.*¹, the stay on the execution of the Eviction Order was vacated by this Court on 01.02.2024;

(iii) Thereafter, the subject premises were restored to the Respondent/landlord through execution proceedings.

3. This Court, on 20.11.2024, had recorded the contentions of the Respondent/landlord that the present Petition has become infructuous in view of the judgment passed by this Court, in *Ashok Gupta & Anr v. Deepak Rao*².

4. The matter was adjourned at the request of the learned Counsel for the Petitioners/tenants to make his submissions in the matter on merits.

5. Written submissions have been filed on behalf of the Petitioners/tenants and arguments have been advanced by both the parties.

6. Learned Counsel for the Petitioners/tenants has raised two contentions.

6.1 In the first instance, on merits, it is submitted that the triable issues are raised which includes the fact that the ownership of the

¹ (2005) 1 SCC 705



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Respondent/landlord is in dispute.

6.2 In the second instance, relying on the judgment of the Supreme Court in *Precision Steel & Engg, Works & Anr. vs. Prem Deva Niranjana Deva Tayal*³, it is submitted that leave to defend/contest should be granted if the tenant's affidavit discloses facts which if proved would disentitle the landlord from recovering possession and at this stage, no proof for such *prime facie* satisfaction is required.

6.3 Lastly, it is contended that the judgment of the Supreme Court in *NC Daga v. Inder Mohan Singh Rana*⁴ does not apply to the facts of the present case.

7. Learned Counsel for the Petitioners/tenants also seeks to rely upon judgment in the cases of *Devinder Nath v. Mohd. Asim*⁵, *Jor Singh versus Sanjeev Sharma*⁶, *Bishan Swaroop v. Manish Sethi*⁷, *Amrit Lal Vadhera vs. Saroj Suneja*⁸ to contest that the present matter is not infructuous.

8. Learned Counsel for the Respondent/landlord on the other hand submits that so far as concerns the challenge on the aspect of ownership and title, the same was raised by the Petitioners/tenants in its Leave to Defend/Contest Application and was dealt with by the learned Trial Court. A finding on that aspect was given by the learned Trial Court as well in paragraphs 23 and 24 of the Impugned Order.

² 2024 SCC OnLine Del 7148

³ (1982) 3 SCC 270

⁴ (2003) 1 SCC 453

⁵ 204 (2013) DLT 141

⁶ 205 (2013) DLT 117



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8.1 Learned Counsel for the Respondent/landlord further submits that the Respondent/landlord derives title by virtue of a registered sale deed dated 23.01.1936 executed in favour of his grandfather Mr. Haji Moh. Ismail, which was placed on record before the learned Trial Court and which has also been filed before this Court. In this regard, reliance is placed on the English translation of the sale deed to submit that the Respondent/landlord before this Court is a lineal descendant and grandson of Mr. Haji Moh. Ismail.

8.2 Learned Counsel for the Respondent/landlord further submits that on the aspect of bonafide need and alternate suitable accommodation, the learned Trial Court has found that the Petitioners/tenants were unable to establish their contentions. The learned Trial Court also found that the current residence of the Respondent/landlord and his four family members was one room, and thus, was insufficient accommodation.

8.3 Learned Counsel for the Respondent/landlord submits that the judgments that have been relied upon by the learned Counsel for the Petitioners/tenants in paragraph 7 above have no applicability to the facts of the present case since in each of these judgments, the Leave to Defend/Contest Application was not filed in time, however, the facts in the present case are that the Petitioners/tenants were given an opportunity to contest the Application and it is only thereafter that the Impugned Order was passed.

9. The contentions that have been raised by the Petitioners/tenants have

⁷ 208 (2014) DLT 481



also previously been raised and was examined by two different Coordinate Benches of this Court. A Coordinate Bench of this Court by an order dated 20.12.2022 held that there is no infirmity with the findings of the learned Trial Court. On 01.02.2024, another Coordinate Bench of this Court has also deemed fit to vacate the stay on the execution of the Impugned Order granted to the Petitioners/tenants, in view of the fact that the orders passed by this Court were not being complied with.

10. On the aspect of challenge to the ownership raised by the Petitioner/tenant, it is a settled law that all that a landlord has to prove is a better title than the tenant to seek eviction from the tenanted premises under Section 14 (1) (e) of the Delhi Rent Control Act, 1958 [hereinafter referred to as “Act”]. The Supreme Court in the case of *Swadesh Ranjan Sinha v. Haradeb Banerjee*⁹, in the context of ownership in an eviction petition, has clarified that:

“ 9. All that a plaintiff needs to prove is that he has a better title than the defendant. He has no burden to show that he has the best of all possible titles. His ownership is good against all the world except the true owner. The rights of an owner are seldom absolute, and often are in many respects controlled and regulated by statute. The question, however, is whether he has a superior right or interest vis-a-vis the person challenging it....”

[Emphasis supplied]

10.1 This Court while discussing the issue of ownership in a Petition filed under Section 25-B(8) of the Act in a case titled *R.S. Chadha v. Thakur Dass*¹⁰ has held that what a landlord has to prove is a better title than the tenant to seek his eviction for the tenanted premises. The Court relied on the

⁸ decided on 18.12.2023 RC. Rev. 292 (2018)

⁹ (1991) 4 SCC 572



judgment of the Supreme Court in the case of *Shanti Sharma vs. Ved Prabha*¹¹ to hold that the term owner has to be understood in the context of the background of the law. The relevant extract reads as follows:

“10.1 It is settled law that what a landlord has to prove is a better title than the tenant to seek his eviction from a tenanted premises under Section 14(1)(e) of the Act. The Supreme Court in the case of Shanti Sharma v. Ved Prabha has held as follows:

“14. The word “owner” has not been defined in this Act and the word ‘owner’ has also not been defined in the Transfer of Property Act. The contention of the learned Counsel for the appellant appears to be that ownership means absolute ownership in the land as well as of the structure standing thereupon. Ordinarily, the concept of ownership may be what is contended by the counsel for the appellant but in the modern context where it is more or less admitted that all lands belong to the State, the persons who hold properties will only be lessees or the persons holding the land on some term from the government or the authorities constituted by the State and in this view of the matter it could not be thought of that the legislature when it used the term “owner” in the provision of Section 14(1)(e) it thought of ownership as absolute ownership. It must be presumed that the concept of ownership only will be as it is understood at present. It could not be doubted that the term “owner” has to be understood in the context of the background of the law and what is contemplated in the scheme of the Act. This Act has been enacted for protection of the tenants. But at the same time it has provided that the landlord under certain circumstances will be entitled to eviction and bona fide requirement is one of such grounds on the basis of which landlords have been permitted to have eviction of a tenant. In this context, the phrase “owner” thereof has to be understood, and it is clear that what is contemplated is that where the person builds up his property and lets out to the tenant and subsequently needs it for his own use, he should be entitled to an order or decree for eviction the only thing necessary for him to prove is bona fide requirement and that he is the owner thereof. In this

¹⁰ 2024 SCC OnLine Del47

¹¹ (1987) 4 SCC 193



context, what appears to be the meaning of the term “owner” is vis-a-vis the tenant i.e. the owner should be something more than the tenant. Admittedly in these cases where the plot of land is taken on lease the structure is built by the landlord and admittedly he is the owner of the structure....”

[Emphasis supplied]

11. The plea that is taken by the Petitioners/tenants which was taken before the learned Trial Court as well was that the Respondent/landlord is not the owner of the subject premises. It was contended that the Petitioners/tenant are in possession of the subject premises as tenants, however they were the tenants of one Mr. Abdul Gaffar and after his demise, his brother Mr. Abdul Malik became the owner. The submission of the Petitioners/tenants is without any merit. In the first instance, the Respondent/landlord has placed on record the sale deed dated 23.01.1936 registered in favour of his grandfather and has contended that the title to the subject premises devolved upon the Respondent. Undisputably, no proceedings seeking to challenge the title of the Respondent/landlord have been filed by the Petitioners/tenants. It is no longer res integra that the proceedings under Section 25-B(8) of the Act cannot be converted into a title suit. In addition, since the Petitioners/tenants have contended that they were inducted as a tenant in the subject premises, there can be no dispute that the Respondent/landlord has a better title to the Petitioners/tenants.

12. No doubt, the judgment of the Supreme Court in the ***Precision Steel*** case states that if the tenant’s affidavit discloses facts, which if proved, would disentitle the landlord from recovering possession, the Leave to Defend would be granted to a tenant. However, in the present case, challenge to the ownership of the Respondent/landlord was examined



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including with respect to the averment of the ownership of the said Mr. Abdul Gaffar. The Respondent/landlord had placed on record a copy of the judgment dated 30.10.1978 in Civil Suit No. 141/1969 titled ***Abdul Malik v. Union of India & Ors.*** which held that the acquisition of the subject premises was bad in law and that Mr. Abdul Malik is not the owner of the property. Concededly, this judgment has attained finality since it was not challenged by either party. No averment or document has been placed before the Court to show otherwise, nor the same has been contended.

13. The Petitioners/tenants have relied upon the judgment passed by the Coordinate Benches of this Court in ***Devender Nath*** case, ***Amri Lal*** case and ***Jor Singh*** case, all of which relate to the judgments which have been passed in the context of a tenant not being served in accordance with the provisions of the Act. There is no dispute that the Petitioners/tenants in the present case were served and that a leave to defend application was filed by him. Thus, the judgment relied upon by the Petitioners/tenants has no applicability to the present case.

14. The only other plea that has been raised by the Petitioners/tenants before this Court is that the judgment in the ***NC Daga*** case which holds that once the tenanted premises is restored to the Respondent/landlord in accordance with law, the Revision Petition becomes infructuous, is not applicable to the facts of the present case, however the same is without any merit.

15. The issue of whether a Revision Petition is maintainable when the tenanted subject premises has been legally restored to the



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Respondent/landlord, either during or before the filing of the Revision Petition, has been addressed by the Supreme Court as well as by Coordinate Benches of this Court.

16. The Supreme Court in *NC Daga*, dealt with a situation while dismissing a challenge by a tenant to a judgment passed by this Court upholding an order declining leave to defend passed by the learned Trial Court. The facts in the case were that, possession of the tenanted premises had been taken pursuant to an order passed by the Executing Court. The Supreme Court dealt with the similar arguments raised on behalf of the Respondent/landlord that the Petition has become infructuous pursuant to the possession having been taken.

17. After briefly examining the contention of the parties, the Supreme Court in *N.C Daga* case held that in view of the admitted position of possession being taken in execution proceedings, it was not necessary to go into the further details since such a decision would be a purely an academic question. The Supreme Court in *N.C Daga* case held as follows:

“6. In view of the admitted position that pursuant to the order passed by the Rent Controller, possession has been taken on execution of the order permitting eviction, and absence of specific stand regarding implied consent it is, however, not necessary to go into the finer details and to examine the rival stand in the background of legal position as it would amount to rendering decision on a purely academic question. The appeal is, therefore, dismissed, without any order as to costs.”

[Emphasis Supplied]

18. A similar view was taken by the Supreme Court in *Vinod Kumar Verma v. Manmohan Verma*¹² where on an averment by the

¹² Civil Appeal Nos. 5220-5221 of 2008 order dated 19.08.2008



Respondent/landlord that possession of the premises has already been taken over, the Supreme Court held that nothing further survives in the Appeal and disposed the Appeals as being infructuous. The order being brief is extracted below:

“Leave granted.

At the time of hearing of these appeals, the learned counsel appearing on behalf of the landlord-respondent submits, on instructions, that the possession of the premises in question has already been taken over by the landlord-respondent. That being the position, these appeals have now become infructuous, which have been filed against the final judgment and order dt.25.02.2008 and 28.03.2008 passed by the High Court of Delhi at New Delhi in RCR No.49 of 2007 and C.M.No.119 of 2008 (Review) in RCR No.49 of 2007, by which the Revision Petition filed by the tenant/appellant was dismissed and order of eviction was affirmed. Since the possession has already been taken over by the landlord-respondent, in our view nothing survives in these appeals and accordingly, the appeals are disposed of as infructuous.

Interim order, if any, stands vacated.

There will be no order as to costs.”

[Emphasis Supplied]

19. Various Coordinate Benches of this Court have also similarly held that the tenant’s Petition have become infructuous in view of possession being taken. Reliance is placed on *Neelam Sharma v. Ekant Rekhan*¹³ and *Bhawani Shankar v Nand Lal and Ors.*¹⁴.

20. In *Om Prakash Ashok Kumar & Sons v. Ajay Khurana*¹⁵ while relying on the *NC Daga* case and several other cases, a Coordinate Bench held as follows:

“10. This Court in various decisions has followed the decision given by the Supreme Court in N.C. Daga v. Inder Mohan Singh Rana. The Co-ordinate Bench of this Court in Poonam Bangia v. Harbhagwan Dass

¹³ 2019 SCC Online Del 6487

¹⁴ 2021 SCC OnLine Del 4284

¹⁵ 2024 SCC OnLine Del 5228



Chandiramani in RC. REV. no. 16/2021 vide order dated 22.07.2021 after following the law laid down in *N.C. Daga v. Inder Mohan Singh Rana*, **dismissed the revision petition after observing that the landlord has received the possession of the tenanted premises through execution proceedings.** Another Coordinate Bench of this Court in *Mange Ram v. Rajesh Narain Goel*, in RC. REV. no. 147/2021, decided on 19.03.2024 after following **N.C. Daga v. Inder Mohan Singh Rana and Vinod Kumar Verma v. Manmohan Verma**, in Civil Appeal nos. 5220 -5221/2008 passed by the Supreme Court and in *Poonam Bangia v. Harbhagwan Dass Chandiramani* in RC. REV no. 16/2021 passed by **this Court as mentioned hereinabove also dismissed the revision petition as became infructuous due to the reason that the possession of the subject premises has been restored to the respondent/landlord.** The same view was also taken by another Co-ordinate Bench of this Court in *Ram Avtar v. Anuradha Shukla* in RC. Rev. Bearing no. 104/2021 vide order dated 03.11.2023, the revision petition was ordered to be dismissed as the possession of the tenanted premises has already been taken by the respondent/landlord in accordance with law.

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12. In the present case as reflected from the order dated 10.05.2024, **the possession of the tenanted premises has already been restored back to the respondent/landlord in execution of warrant** of possession in accordance with law. This Court is also of the view that the present petition is not maintainable. Accordingly, the present petition, along with pending applications stands dismissed being infructuous.”

[Emphasis Supplied]

21. This Court has in *Ashok Gupta & Anr. v. Deepak Rao*¹⁶ has taken the following view:

“18. The Eviction Petition was filed by the Respondent/landlord under Section 141(c) [sic. 14(1)(e)] of the Delhi Rent Control Act, 1958 setting out the requirement to open his law offices. The proceeding was contested by the Petitioner/tenant and an Eviction Order was passed by the learned Trial Court. Pursuant thereto, the Respondent/landlord recovered possession of the demised premises in accordance with law. As such the Revision Petition has been filed challenging the order of the learned Trial Court which has now gained fruition and was executed and has already been implemented through execution proceedings. In

¹⁶ 2024 SCC OnLine Del 7148



these circumstances, the Revision Petition has become infructuous.

19. As stated above, the jurisdiction of this Court exercising revisionary powers is limited and circumspect. The Petitioner/tenant did not initiate civil proceedings for recovery of possession, instead the present Revision Petition was filed. The Petitioner/tenant has not contended that Section 19 of the Delhi Rent Control Act, 1958 has been violated. Relying on the judgment of the Supreme Court in the **NC Daga** case and **Vinod Kumar Verma** case, this Court finds that this Petition has become infructuous and is accordingly dismissed.”

21.1 In addition, in **RC. REV. No. 104/2021** captioned as **Ram Avtar v. Anuradha Shukla** vide order dated 03.11.2023 this Court has held that once possession was taken over by the Respondent/landlord in accordance with law, the Petition becomes infructuous. The relevant extract of the **Ram Avtar** case reads as follows:

“4.1 This Court has considered this contention of the learned Counsel for the Petitioner/tenant. The Revision Petition has been filed challenging the order of the Trial Court which has now gained fruition, and has already been implemented through execution proceedings. In these circumstances, the Revision Petition has become infructuous.

5. Furthermore, this Court in various judgments held that once possession has been taken over by the Respondent/landlord in accordance with law, this petition becomes infructuous and in view thereof, nothing survives in the petition.”

[Emphasis supplied]

22. The present Petition has been filed impugning the order and judgment of the learned Trial Court which has directed vacation of the subject premises in issue. The jurisdiction of this Court is only revisionary in nature and limited in scope. The Supreme Court in **Abid-Ul-Islam v. Inder Sain Dua**¹⁷ while interpreting the intendment of the legislature in removing two stages of Appeal that were earlier provided in the Delhi Rent Control Act,

¹⁷ (2022) 6 SCC 30



1958 [hereinafter referred to as the “Act”] has held that this is a conscious omission. It was held that the High Court is not expected to substitute and supplant its view with that of the learned Trial Court, its only role is to satisfy itself on the process adopted. Thus, the scope of revisionary jurisdiction of this Court has been limited to examine if there is an error apparent on the face of the record or absence of any adjudication by the learned Trial Court, and it is only then should the High Court interfere. The Supreme Court has also cautioned from converting the power of superintendence into that of a regular first Appeal under revisionary jurisdiction. This has been elucidated at length by Supreme Court in *Abid-Ul-Islam* case in the following manner:

"Scope of revision

22. We are, in fact, more concerned with the scope and ambit of the proviso to Section 25-B(8). The proviso creates a distinct and unequivocal embargo by not providing an appeal against the order passed by the learned Rent Controller over an application filed under sub-section (5). The intendment of the legislature is very clear, which is to remove the appellate remedy and thereafter, a further second appeal. It is a clear omission that is done by the legislature consciously through a covenant removing the right of two stages of appeals.

*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.***

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25. The aforesaid decision has been recently considered and approved by this Court in *Mohd. Inam v. Sanjay Kumar Singhal* [*Mohd. Inam v. Sanjay Kumar Singhal*, (2020) 7 SCC 327 : (2020) 4 SCC (Civ) 107] : (SCC pp. 340-41, paras 22-23)

“22. This Court in *Sarla Ahuja v. United India Insurance Co. Ltd.* [*Sarla Ahuja v. United India Insurance Co. Ltd.*, (1998) 8 SCC 119] had an occasion to consider the scope of proviso to Section 25-B(8) of the Delhi Rent Control Act, 1958. This Court found, that though the word “revision” was not employed in the said proviso, from the language used therein, the legislative intent was clear that the power conferred was revisional power. This Court observed thus : (SCC p. 124, para 11)

‘11. The learned Single Judge of the High Court in the present case has reassessed and reappraised the evidence afresh to reach a different finding as though it was exercising appellate jurisdiction. No doubt even while exercising revisional jurisdiction, a reappraisal of evidence can be made, but that should be for the limited purpose to ascertain whether the conclusion arrived at by the fact-finding court is wholly unreasonable.’

It could thus be seen, that this Court has held, that the High Court while exercising the revisional powers under the Delhi Rent Control Act, 1958 though could not reassess and reappraise the evidence, as if it was exercising appellate jurisdiction, however, it was empowered to reappraise the evidence for the limited purpose so as to ascertain whether the conclusion arrived at by the fact-finding court is wholly unreasonable.

23. Again in *Ram Narain Arora v. Asha Rani* [*Ram Narain Arora v. Asha Rani*, (1999) 1 SCC 141] , this Court had an occasion to consider the aforesaid powers under the Delhi Rent Control Act, 1958. This Court observed thus : (SCC p. 148, para 12)

‘12. It is no doubt true that the scope of a revision petition under Section 25-B(8) proviso of the Delhi Rent Control Act is a very limited one, but even so in examining the legality or propriety of the proceedings before the Rent Controller, the High Court could examine the facts available in order to find out whether he had correctly or on a firm legal basis approached the matters on record to decide the case. Pure findings of fact may not be open to be interfered with, but (sic if) in a given case, the finding of fact is given on a wrong premise of law, certainly it would be open to the Revisional Court to interfere with such a matter.’

It was thus held, that though the scope of revisional powers of the High Court was very limited one, but even so in examining the



legality or propriety of the proceedings before the Rent Controller, the High Court could examine the facts available in order to find out whether he had correctly or on a firm legal basis approached the matters on record to decide the case. It has also been held, that pure findings of fact may not be open to be interfered with, but in a given case, if the finding of fact is given on a wrong premise of law, it would be open to the Revisional Court to interfere with the same.”

[Emphasis supplied]

23. The provisions of the Act provide for a remedy of restoration of possession to a Petitioners/tenants in one situation, i.e., under Section 19 of the Act. In cases allowed under Section 14(1)(e) of the Act, the recovery of possession by a tenant under Section 19(1) of the Act can be obtained if the landlord re-let the whole or part of the subject premises within three years from the date of obtaining possession from the evicted tenant. Sub-section (2) of Section 19 of the Act further provides that where such premises are not occupied within two months by landlord or within three years from the date of possession by the person for whose benefit the premises are held, or are re-let to a person without permission of the Rent Controller within three years from the date of possession, the Rent Controller may direct the landlord to put the tenant in possession or pay him such compensation as is deemed fit by the Rent Controller. Section 19 of the Act is set out below:

“19. Recovery of possession for occupation and re-entry.—(1) Where a landlord recovers possession of any premises from the tenant in pursuance of an order made under clause (e) of the proviso to sub-section (1) of section 14 [or under sections 14A, 14B, 14C, 14D and 21, the landlord shall not, except with the permission of the Controller obtained in the prescribed manner, re-let the whole or any part of the premises within three years from the date of obtaining such possession, and in granting such permission, the Controller may direct the landlord to put such evicted tenant in possession of the premises.

(2) Where a landlord recovers possession of any premises as aforesaid and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of



obtaining such possession, or the premises having been so occupied are, at any time within three years from the date of obtaining possession, re-let to any person other than the evicted tenant without obtaining the permission of the Controller under sub-section (1) or the possession of such premises is transferred to another person for reasons which do not appear to the Controller to be bona fide, the Controller may, on an application made to him in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the premises or to pay him such compensation as the Controller thinks fit.”

23.1 The Supreme Court in ***Abid-Ul-Islam*** case has held that Section 19 of the Act gives a right of re-possession to the dispossessed tenant if landlord recovers possession under Section 14(1)(e) of the Act and thereafter, the landlord does not use the subject premises for the purpose that it was intended and set out in such Eviction Petition on which basis, an order for eviction was obtained by the landlord. The relevant extract is set out below:

*“19. Before a presumption is drawn, the landlord is duty-bound to place prima facie material supported by the adequate averments. It is only thereafter, the presumption gets attracted and the onus shifts on the tenant. The object of Section 14(1)(e) vis-à-vis Section 25-B has to be seen in the light of yet another provision contained under Section 19. **Section 19 gives a right to the dispossessed tenant for repossession if there is a non-compliance on the part of the landlord albeit after eviction, to put the premises to use for the intended purpose. Such a right is available only to a tenant who stood dispossessed on the application filed by the landlord invoking Section 14(1)(e) being allowed. Thus, Section 19 inter alia throws more light on the legislative objective facilitating a speedy possession. The object is also reflected in the proviso to Section 25-B(8), denying a right of appeal..”***

[Emphasis Supplied]

24. In the present case, as discussed above, the Respondent/landlord recovered possession of the subject premises in accordance with law. As such the Revision Petition has been filed challenging the order of the learned Trial Court which has now gained fruition as was executed and has already



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been implemented through execution proceedings.

25. As stated above, the jurisdiction of this Court exercising revisionary powers is limited and circumspect. Concededly, the Petitioners/tenants have not initiated appropriate civil proceedings for recovery of possession of the tenanted premises. The Petitioners/tenants have also not contended that Section 19 of Act has been violated. Relying on the judgment of the Supreme Court in the *NC Daga* case and *Vinod Kumar Verma* case, this Court finds that this Petition has become infructuous and is accordingly dismissed. All pending Applications stand closed.

26. However, given the fact that substantial time has been taken up by the Petitioners/tenants before this Court in spite of multiple orders of Coordinate Benches of this Court which, have found that the present Petition is without any merit, this matter has taken up more than 34 hearings on account of multiple adjournments by the Petitioners/tenants, the Court deems it apposite to fix costs in the sum of Rs.25,000/- payable directly to “*Bar Council of Delhi-Indigent and Disabled Lawyers Account*” by the Petitioners/tenants within six weeks. Proof of costs shall be filed by the Petitioners/tenants with the Registry.

TARA VITASTA GANJU, J

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