



2025:DHC:1576



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 07.03.2025***+ **RC.REV. 82/2025 & CM APPL. 13761/2025**

ISHART JAHAN

.....Petitioner

Through: Mr. Ganesh Mishra, Advocate.

versus

SYED SHAH BADAR HUSSAN SABRI

.....Respondent

Through: None.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. This Court had examined the matter on 06.03.2025 and passed the following directions:

“3. The present Petition has been filed on behalf of the Petitioner impugning the order dated 27.05.2024 [hereinafter referred to as “Impugned Order”] passed by the learned SCJ-cum-RC, Central, Tis Hazari Courts, Delhi. By the Impugned Order, the Application filed by the Petitioner under Order VII Rule 11(d) of the Code of Civil Procedure, 1908 (CPC) for rejection of the Petition has been dismissed.

4. The jurisdiction of this Court in a Rent Revision under Section 25-B of the Delhi Rent Control Act, 1958 [hereinafter referred to as “DRC Act”] is limited. The orders that are subject matter of challenge under the DRC Act are orders passed in the Applications or Petitions filed under Section 14(1)(e), 14A, 14B, 14C or 14D of the DRC Act.

5. The Supreme Court in ***Prithpal Singh v. Satpal Singh***; (2010) 2 SCC 15 has held that only the applications filed by a landlord for recovery of possession of any premises on the ground specified in clause (e) sub-section (1) of Section 14 or under Section 14-A or under Section 14-B or under Section 14-C or under Section 14-D would be dealt with in accordance with Section 25B of the DRC Act. Section 25-B(8) sets out that



no appeal shall lie against an order for recovery of possession however, the High Court may call for the records and examine the order to be in accordance with law. The relevant extract is reproduced below:

*“10. Now comes Chapter III-A of the Rent Act which consists of Sections 25-A to 25-C as inserted by Act 18 of 1976 i.e. w.e.f. 1-12-1975. By introduction of **Chapter III-A, a special provision was introduced by the legislature for summary trial of certain applications filed under the Rent Act.** Section 25-A of the Act clearly says that this provision of Chapter III-A to have overriding effect notwithstanding any inconsistency thereof contained elsewhere in this Act or any other law for the time being in force. **Section 25-B is the provision by which special procedure for disposal of applications for eviction on the ground of bona fide requirement filed at the instance of the landlord under Section 14 or 14-A or 14-B or 14-C or 14-D of the Act has been laid down.***

*11. Since we are primarily concerned with **Section 25-B of the Rent Act, by which the procedure has been adopted specifically for eviction of a tenant by a landlord on the ground of bona fide requirement,** we need to reproduce the said section which runs as under:*

*“25-B. Special procedure for the disposal of applications for eviction on the ground of bona fide requirement.—(1) **Every application by a landlord for the recovery of possession of any premises on the ground specified in clause (e) of the proviso to sub-section (1) of Section 14, or under Section 14-A, or under Section 14-B or under Section 14-C or under Section 14-D, shall be dealt with in accordance with the procedure specified in this section.***

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(8) No appeal or second appeal shall lie against an order for the recovery of possession of any premises made by the Controller in accordance with the procedure specified in this section:

Provided that the High Court may, for the purpose of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.

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From a close examination of Section 25-B sub-section (1) of the Rent Act, it would be evident and clear that an application filed by a landlord for recovery of possession of any premises on the ground specified in clause (e) of the proviso to sub-section (1) of Section 14 or under Section 14-A or under Section 14-B or under Section 14-C or under Section 14-D, shall be dealt with in accordance with the procedure specified in this section.

[Emphasis supplied]

5.1 The Supreme Court in the ***Prithipal Singh*** case has further held:

*“23. As noted hereinafter, Section 25-B(1) clearly says that any application filed by a landlord for recovery of possession of any premises, inter alia, on the **ground of Section 14(1)(e) of the Rent Act, shall be dealt with in accordance with the procedure specified in Section 25-B of the Rent Act. Therefore, sub-section (1) of Section 25-B makes it clear that if any application for eviction of a tenant is filed by the landlord,** the special procedure indicated in Section 25-B has to be followed and Section 25-B(1) clearly stipulates that the application for eviction shall be strictly dealt with in*



accordance with the procedure specified in this section. Apart from that, as we have noted hereinafter, **Section 25-B itself is a special code and therefore, the Rent Controller, while dealing with an application for eviction of a tenant on the ground of bona fide requirement, has to follow strictly in compliance with Section 25-B of the Act.** Therefore, after insertion of Section 25-B of the Act, any application for granting eviction for a special kind of landlord, shall be dealt with strictly in compliance with Section 25-B and question of relying on Rule 23 of the Code, which also does not give full right to apply the provisions of the Code, could be applied.”

[Emphasis supplied]

6. It is, therefore, no longer *res integra* that Chapter IIIA of the DRC Act is a complete code in itself. The provisions of Section 25B of the DRC Act can be exercised in the circumstances as are set out in this Section. Sub-Section (1) of Section 25B limits the adjudication under these provisions to orders passed by the learned Trial Court in Petitions under Sections 14(1)(e), 14A, 14B, 14C or 14D of the DRC Act, only Petitions/Applications filed under these provisions for the recovery of premises, are to be dealt with under Chapter IIIA of the Act i.e., Section 25B of the DRC Act.

6.1 Section 25B(8) of the DRC Act sets out that the orders passed under this Section are not amenable to an appeal, however, the High Court may satisfy itself on an order passed under Section 25B of the DRC Act and for that purpose may examine the same thus exercising revisionary jurisdiction. A Petition under Section 25B(8) is thus restricted only to examination of an order passed by a Rent Controller under Section 14(1)(e), 14A, 14B, 14C or 14D of the DRC Act.

6.2 It is apposite to extract the relevant provisions of Section 25B of the DRC Act, which are set out below:

“25B. Special procedure for the disposal of applications for eviction on the ground of bona fide requirement.—

(1) Every application by a landlord for the recovery of possession of any premises on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A [or under section 14B or under section 14C or under section 14D], shall be dealt with in accordance with the procedure specified in this section.

xxx

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(8) No appeal or second appeal shall lie against an order for the recovery of possession of any premises made by the Controller in accordance with the procedure specified in this section:

Provided that the High Court may, for the purpose of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit...

[Emphasis Supplied]

7. As stated above, the order impugned has been passed in an Application for rejection of the Petition filed by the Respondent under Order VII Rule 11(d) of the CPC for being barred by the provisions of Waqf Act, 1995



2025:DHC:1576



[hereinafter referred to as “Waqf Act”].

7.1 The learned Trial Court has found that the Eviction Petition filed by the Respondent is not barred by the provisions of Waqf Act and has dismissed this Application.

8. Quite clearly the challenge in the present Petition is not against an order directing recovery of any premises made by the learned Rent Controller, amenable to challenge under Section 25B(8) of the DRC Act. Thus, the challenge cannot be made before this Court.

9. *Prima facie* this Court has no jurisdiction to entertain the present Petition. None appears for the Petitioner.”

2. Learned Counsel for the Petitioner appears today and submits that he wishes to withdraw the present Petition with liberty to take appropriate steps.

3. The present Petition is dismissed as withdrawn with liberty as prayed for in accordance with law. The pending Application also stands closed.

TARA VITASTA GANJU, J

MARCH 7, 2025/ ha

[Click here to check corrigendum, if any](#)