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

+ **RC.REV. 87/2025 & CM APPL. 14177/2025-Stay**

KUSUM SHARMA & ANR.

.....Petitioners

Through: Mr. S. P. Jha, Mr. Ashok Barnwal,
Mr. Jay Kumar and Ms. Sunita
Kashwala, Advs.

versus

GURPREET SINGH SAWHNEY

.....Respondent

Through: Mr. Brahm Prakash Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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26.11.2025

1. This Court, while dealing with *CM APPL. 55584/2025*, filed by the petitioners for seeking stay of the appointment of a bailiff, *vide* order dated 03.09.2025 had categorically held as under:-

“5. A perusal of the impugned order dated 19.12.2024 reflects that no doubt, the leave to defend application of the petitioner/ tenant was filed beyond the stipulated period of 15 days, however, in the considered opinion of this Court the same did not absolve the learned ARC to pass a detailed and a reasoned order after considering the case of the petition/ landlord on merits. In fact, the learned ARC has neither taken into consideration any of the averments made by the respondent/ landlord in the eviction petition nor the submissions made by the petitioner/ tenant before passing of the impugned order. Thus, impugned order dated 19.12.2024 is not a speaking and/ or reasoned order.

6. Under such circumstances, and considering the after effects thereof, the present application is allowed and the appointment of Bailiff likely to take place on 06.09.2025 and



execution of warrants of possession of the demised premises as per the order dated 30.08.2025, passed by the court of learned ARC-02, Tis Hazari Court (Central), Delhi, are stayed disposal of the present petition.”

2. Today also this Court has heard both learned counsel for the parties for a considerable length of time.
3. As such, in view of what has been held by the Hon'ble Supreme Court in **Sarla Ahuja vs. Union India Insurance Company Ltd.**, (1998) 8 SCC 119 and **Abid-Ul-Islam vs. Inder Sain Dua**, (2022) 6 SCC 30, the present matter is a fit case for this Court to exercise its jurisdiction under **Section 25B(8)** of the DRC Act.
4. In view of the aforesaid, the impugned order dated 19.12.2024, being unreasoned and non-explanatory, is set aside and the present matter is remanded back to the learned Additional Rent Controller (**ARC**) for reviving Eviction Petition being RC/ARC No.232/2024 entitled “*Gurpreet Singh Sawhney vs. Kusum Sharma & Anr.*” and the learned ARC is directed to pass a well-reasoned and detailed order *qua* non-filing of the application seeking leave to defend by the tenant beyond the statutory period of 15 days after hearing learned counsel for the parties prior to disposal of the same.
5. Accordingly, the present revision petition is allowed in the aforesaid terms.
6. A copy of the order be sent to the Court of learned ARC-02, Central, Tis Hazari Courts, New Delhi for compliance and information.

SAURABH BANERJEE, J

NOVEMBER 26, 2025/bh