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

+ RC.REV. 629/2019

NARINDER KAUR (THR LRS)

.....Petitioner

Through: Mr. D. Singh and Mr. Avineet
Singh, Advocates.

versus

HARBANS LAL

.....Respondent

Through: Mr. Prashant Batra, Advocate.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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15.10.2025

1. By virtue of the present petition, the petitioner/ landlord¹ *inter alia* seeks setting aside of judgment dated 17.08.2019², passed by learned Additional Rent Controller-02, Central District, Tis Hazari Courts, Delhi,³ whereby the landlord had filed an Eviction Petition under *Section 14(1)(e)* read with *Section 25(B)* of the Delhi Rent Control Act, 1958⁴, seeking eviction of the respondent/ tenant⁵ from the shop bearing no. 38, on the 1st Floor, Gafar Market, Karol Bagh, New Delhi-110 005⁶, which was dismissed by the learned ARC.
2. Succinctly put, it was the case of the landlord that the tenant was inducted in the subject premises by her late husband, i.e, Sh. Jaswant

¹ Hereinafter referred to as "*landlord*"

² Hereinafter referred to as "*impugned judgment*"

³ Hereinafter referred to as "*learned ARC*"

⁴ Hereinafter referred to as "*DRC Act*"

⁵ Hereinafter referred to as "*tenant*"

⁶ Hereinafter referred to as "*subject premises*"



Singh Sethi, by virtue of the Deed of License dated 01.06.1969. Subsequent to demise of her husband, the landlord became the owner of the subject premises *vide* mutation records of the Municipal Corporation of Delhi (MCD) as well as in the records of the Land & Development Office, and Deed of License dated 01.06.1969⁷. Since both sons, i.e., Sh. Inder Pal Singh and Sh. Savinder Pal Singh of the landlord failed to successfully operate their businesses and were totally dependent upon her, there was a *bona fide requirement* of the subject premises for setting up a business for her sons, as there were no *alternative accommodations* suitable for commencing the business by her two sons at Delhi.

3. In response, as per tenant in his application seeking leave to defend the number of rooms in the Site Plan filed by the landlord were incorrect, more so, in view of the Deed of License dated 01.06.1969 executed in favour of the tenant by the late husband of the landlord, as such, there was no *landlord-tenant relationship* between the parties. Also, not only was there an *alternative accommodation* at the ground floor of the same building where the subject premises is situated but there were other *alternative accommodations* which have not been disclosed as well. As such, there was no *bona fide requirement* for the subject premises.

4. In response thereto, the landlord denied the averments made by the tenant and reiterated the contents of the Eviction Petition.

5. Based on the case set up by the parties and after a full-fledged trial, by virtue of the impugned judgment, the learned ARC has *inter alia* held that as the landlord failed to establish that the License Deed dated 01.06.1969 partakes the character of a Lease Deed, and since it was found

⁷ Hereinafter referred to as “*ownership documents*”



that the said Deed in its true nature is a License Deed, there is no *landlord-tenant relationship* existing between the parties.

6. Thus, aggrieved by the impugned judgment, the landlord has preferred the present revision petition.

7. Learned counsel for the landlord, at the outset, submits that the impugned judgment passed by the learned ARC is liable to be set aside since, though the affidavit in evidence of the landlord/ PW-1 had been filed and pursuant thereto the cross-examination was also carried out extensively, none of the aforesaid have been considered/ taken note of nor have they been adjudicated upon. As is evident from the impugned judgment, the same is premised upon the case of the parties before the application seeking leave to defend of the tenant was allowed, and only the mere exhibits as filed alongwith the affidavit in evidence have been deliberated upon.

8. Learned counsel for the landlord specifically draws the attention of this Court to the assertions made by the landlord in *paragraph 5* of the affidavit in evidence of landlord/ PW-1 which, *evidently*, have not been taken into consideration, so much so that the cross-examination of the landlord *qua* that has also been ignored. Similar is the case *qua* cross-examination of tenant/ RW-2 conducted on 14.05.2019 as also the MCD documents (Report of tax assessment amendment) filed by the landlord for the period 1960-61 i.e., Form A-B have also not been considered.

9. *Per contra*, learned counsel for the tenant, supporting the judgment passed by the learned ARC, submits that the same is sufficiently explicit and the Eviction Petition filed by the tenant was rightly dismissed. He further submits that since the Deed of License dated 01.06.1969 was



the basis on which the Eviction Petition was filed, and the landlord was unable to prove the *landlord-tenant relationship* between the parties, the assertions made by the learned counsel for the landlord are liable to be negated.

10. Taking note of the assertions made by learned counsel for the parties, particularly those made by learned counsel for the landlord *qua* non-consideration of the affidavit in evidence as well as the documents forming part of the record, and since there is nothing mentioned about those in the impugned judgment, it can be fairly concluded that the findings recorded by the learned ARC in the impugned judgment are not based on any of those.

11. Considering the aforesaid, this Court is of the opinion that the present case is a fit one for remitting the same under *Section 25B (8)* of the DRC Act, the aforesaid is sufficient for this Court to conclude that there is an error apparent on the face of the record due to the non-consideration of germane material. Accordingly, as held in *Sarla Ahuja vs. Union India Insurance Company Ltd.*⁸ and *Abid-Ul-Islam vs. Inder Sain Dua*⁹ that interference is warranted only whence there is something glaring amiss, contrary to the position of law or an error apparent on the face of the record this, considering the facts and circumstances of the present revision petition, it a fit case to set aside the impugned judgment. Resultantly, based on the documents/ materials on record and the evidences recorded, the parties are relegated before the learned ARC to address final arguments afresh for assisting the learned ARC to render a fresh

⁸ (1998) 8 SCC 119

⁹ (2022) 6 SCC 30



judgment.

12. The learned ARC is requested to make all possible endeavours for trying to dispose of the eviction petition of the landlord at the earliest, within a period of *two months*.

13. As such, the present petition is disposed of with the aforesaid directions.

14. A copy of this order be sent to the learned Principal District and Sessions Judge (Central), Tis Hazari Courts, Delhi.

SAURABH BANERJEE, J.

OCTOBER 15, 2025/NA