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

+ RC.REV. 249/2025 & CM APPLs. 51987-88/2025

MST IRAM SHAH

.....Petitioner

Through: Mr. Tarun Mathur and Mr. Akshat
Singhal, Advocates.

versus

SHRI VINOD SONI & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

25.08.2025

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1. By virtue of the present petition, the petitioner seeks setting aside of the order dated 15.07.2025 passed by the learned Additional Rent Controller, Tis Hazari Courts, Delhi, in RC/ARC No.411/2025 entitled '***Mst. Iram Shah Vs. Vinod Soni & Ors.***'
2. Stated briefly, the case of the petitioner is that the very same petitioner had, prior to filing the aforesaid RC/ARC No.411/2025, filed a suit for ejection of tenants, recovery of possession, arrears of rents and damages before the learned District Judge, Tis Hazari Courts, Delhi. The said suit was dismissed *vide* order dated 09.06.2025 as not being maintainable by virtue of the provisions of *Section 50* of the Delhi Rent Control Act, 1958 (***the Act***).
3. Thereafter, the petitioner filed a fresh petition being the aforesaid RC/ARC No.411/2025, which was dismissed by the learned Additional Rent Controller (***learned ARC***) without issuing notice to the respondents, holding the same to be barred by *Section 85* of the Waqf Act, 1995.
4. Learned counsel for the petitioner, relying on *Section 25A* of the Act



falling in *Chapter-III* thereof, submits that the provisions under the said Chapter of the Act are non-obstante in nature, and hence, the provisions of the Waqf Act, 1995 will not come into play when the Court is considering proceedings thereunder. In a nutshell, learned counsel for the petitioner submits that the learned ARC has inadvertently overlooked the settled position of law, and has erroneously considered the Waqf Act, 1995 being applicable while dealing with proceedings under *Chapter-III* of the Act.

5. In any event, without going into the merits of the matter, learned counsel for the petitioner submits that since, as on date, there is no Waqf Court constituted under the Waqf Act, 1995, and material contentions of the petitioner have not been dealt with, he seeks to withdraw the present petition and file an appropriate application before the learned ARC seeking review of the order dated 15.07.2025 within a period of one week. Needless to say, the petitioner shall be free to raise the same pleas therein, and canvas the same arguments advanced before this Court, as this Court has not gone into the merits of the matter.

6. In view of the time spent in filing the present petition, the petitioner shall be given the benefit of *Section 14* of the Limitation Act, 1963.

7. The present petition is disposed of.

8. Parties shall appear before the learned Additional Rent Controller on 15.09.2025.

SAURABH BANERJEE, J

AUGUST 25, 2025

NA