



2025:DHC:1666



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 10.03.2025***+ **RC.REV. 257/2024****KUMARI GAYATRI TRIPATHI**PetitionerThrough: Mr. Abhishek Kumar, Advocate.
versus**TRUST MANDIR SHRI RAMCHANDERJI (REGD.)**

.....Respondent

Through: None

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

1. This Court had examined the matter and passed a detailed order on 04.03.2025.
2. Learned Counsel for the Petitioner fairly submits that the possession of the subject premises has been restored to the Respondent/landlord. Learned Counsel for the Respondents, thus, submits that since the possession of the subject premises has been restored, nothing further survives in the present Petition and the Petition has become infructuous.
3. In this regard, reliance is placed upon the judgment passed by this Court in *Ashok Gupta v. Deepak Rao*¹, which has relied upon the Judgments of the Supreme Court in *NC Daga v. Inder Mohan Singh Rana*², *Vinod Kumar Verma v. Manmohan Verma*³ and *Neelam Sharma v. Ekant*

¹ 2024 SCC OnLine Del 7148² (2003) 1 SCC 453³ Civil Appeal Nos. 5220-5221 of 2008 dated 19.08.2008



Rekhan⁴. This Court is supported in its view by judgments passed by Coordinate Benches of this Court including ***Om Prakash Ashok Kumar & Sons v. Ajay Khurana***⁵ and ***Bhawani Shankar v Nand Lal and Ors.***⁶.

4. In the ***Ashok Gupta*** case, this Court has held that the provisions of the DRC Act provide for a remedy of restoration of possession to a Petitioners/tenants in one situation, i.e., under Section 19 of the Delhi Rent Control Act, 1958 [hereinafter referred to as ‘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.

4.1 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 for 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

⁴ 2019 SCC Online Del 6487

⁵ 2024 SCC OnLine Del 5228

⁶ 2021 SCC OnLine Del 4284



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."

5. The Supreme Court in *Abid-Ul-Islam v. Inder Sain Dua*⁷ 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]

⁷ 2022) 6 SCC 30



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6. Concededly, possession of the tenanted premises has been recovered by the Respondent/landlord in accordance with law.
7. In view of the foregoing discussion, the Petition is dismissed.
8. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MARCH 10, 2025/pa

Click here to check corrigendum, if any