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

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Date of decision: November 14, 2025

+ **RC.REV. 355/2025, CM APPL. 71097/2025, CM APPL. 71101/2025**

RAM SHOVIT SINGH

.....Petitioner

Through: Mr. R. K. Sharma, Adv.

versus

SANGEETA GUPTA AND ANR

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (Oral)

CM APPLs. 71099-71100/2025(Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The applications stand disposed of.

**CM APPL. 71098/2025 (For condonation of delay in filing) and
CMAPPL. 71102/2025 (For condonation of delay in re-filing)**

3. The petitioner, *vide* the present applications, seeks condonation of delay of 33 days in filing and delay of 5 days in re-filing of the captioned petition.
4. For the reasons stated in the applications, the same are allowed, and the delay of 33 days in filing and delay of 5 days in re-filing of the captioned petition stands condoned.
5. Accordingly, the applications stand disposed of.



RC.REV. 355/2025

6. The petitioner/ tenant, *vide* the present revision petition under *Section 25B(8)* of the Delhi Rent Control Act, 1958 (***DRC Act***) read with *Section 115* of the Code of Civil Procedure, 1908 (***CPC***) seeks setting aside of the order dated 02.04.2025 passed by the learned Additional Rent Controller (Central), Tis Hazari Courts, Delhi (***learned ARC***) in RC/ARC No. 529/2024 entitled “***Smt. Sangeeta Gupta and Anr. vs. Sh. Ram Shovit Singh***” (***impugned order***) wherein, due to non-filing of the application seeking leave to defend by the petitioner/ tenant within the statutory period of *15 days*, the eviction petition filed by the respondent/ landlord was allowed.

7. Primarily it is the case of the tenant that he has not been duly served as per the Third Schedule of the DRC Act and the learned ARC has wrongly relied upon the various reports of the Process Server, which has resulted in the tenant not being able to put forth his case and also, thus, he has not been given a reasonable opportunity to be heard.

8. In furtherance of the same, learned counsel for the tenant submits that the impugned order is liable to set aside as the learned ARC wrongly relied upon the false, manipulated and fabricated report of the Process Server dated 11.11.2024, as per which it has been wrongly alleged by one Mr. Gaurav Upadhyay that the subject premises were lying locked as the tenant only visits the same occasionally, however, no statement to such effect was taken by the Process Server. He submits that the learned ARC also erred by relying upon the false, manipulated and fabricated reports of the Process Server dated 18.01.2025 and 25.01.2025, wherein it has been wrongly alleged by some unnamed person that the subject premises were



left by the petitioner long back. Lastly, the learned ARC further erred in relying upon the report of affixation filed by the Process Server dated 03.02.2025, wherein it has been wrongly stated that the subject premises were found lying locked and a copy of the plaint was affixed on the door whereas, no evidence in any form to such effect was ever filed in the said report.

9. He further submits that since the impugned order dated 02.04.2025 came to the knowledge of the tenant on 04.06.2025 wherein a statement to such effect was made by the landlord in Misc. Petition No. RC ARC 86/2025 pending before the learned ARC (Central) Tis Hazari Court, Delhi as also since the service of the eviction petition could not be affected upon the tenant. He submits that it is in such light that the tenant was unable to file his application seeking leave to defend within a period of *15 days* as provided under the DRC Act.

10. Heard learned counsel for the tenant and perused the entire material available on record.

11. *Succinctly put*, learned counsel for the petitioner has addressed arguments on the factum that the learned ARC erred in passing the impugned order since, as per him, the report of the Process Server is “...
...*totally false and manipulated report*... ..”.

12. A bare perusal of the impugned order dated 02.04.2025 reflects that summons in RC/ARC No. 529/2024 were issued to the petitioner *vide* order dated 20.09.2024 and as per the server report, the subject premises were found locked as the petitioner only visited the same occasionally. Though, the tenant has vaguely challenged the said finding, however, has neither made any assertion nor come up with any substantive evidence



worthy of credence to show that the position was in fact contrary thereto. The tenant has merely controverted the findings made by the learned ARC by mere statements herein. The relevant portion of the impugned order is reproduced herein as under:

“1. Perusal of file shows that vide order dated 20.09.2024, summons under the Third Schedule were issued against the respondent. Report was received that the respondent visits the said address occasionally and therefore, the premises was found locked.

2. Accordingly, fresh summons were directed to be issued vide order dated 20.11.2024.

3. Report has been received through the postal department that the respondent has left the address and through the nazarat branch that despite attempt on 18.01.2025, 25.01.2025 and 03.02.2025, the respondent was not found at the address. Therefore, affixation was carried out for service of the respondent on 03.02.2025.

x	x	x	x
x	x	x	x

*6. In **Gurdev Singh Bindra Vs. Ranbir Singh 169(2010) DLT 680**, it was observed by the Hon'ble court that the landlord has no Responsibility against the tenant to furnish any other address except the tenanted premises. Further, in **Shyam Sunder Wadhawan Vs. Vivek Arya RC REV No. 294/17& CM No. 14886/14** dated 09.09.2014, it was held by the Hon'ble High Court of Delhi that service done by affixation following refusal is valid service.*

7. In the present matter, multiple attempts have been made to serve the respondent at the tenanted premises but he is not found/available at the said address. Accordingly, respondent stands served on 03.02.2025 by affixation on the tenanted premises.



8. *As per ahlmad report, no leave to defend application has been filed till date. Even counsel for the petitioner submits that he has not received any leave to defend application.*

9. *It is, therefore, prayed that eviction order may be passed since no leave for contesting the matter has been sought. ...*

13. Before this Court also, learned counsel has not been able to show anything to controvert that fresh summons were indeed issued to the tenant *vide* order dated 20.11.2024 and as per the fresh Process Server report, service was attempted on 18.01.2025, 25.01.2025 and 03.02.2025 as well. The same eventually resulted in the tenant being served through affixation on 03.02.2025. Though, the tenant has raised a doubt on the reports of the Process Server, however, despite coming to know of the impugned order way back on 04.06.2025 and there being a lapse of sufficient time he has not initiated any steps *qua* that before a Court of law. It is hard to believe that the tenant would have kept quiet for so long, especially, when according to him the learned ARC has proceeded to pass the impugned order behind his back. Now also, the tenant has raised the same after lapse of the statutory period of six months as prescribed under *Section 14(7)* of the DRC Act. Interestingly, this Court is also informed that the tenant is a Clerk who was working in a Chamber in Tis Hazari Courts, Delhi itself, where the Eviction Petition was pending. All the aforesaid are not sufficient for inspiring any confidence upon this Court to give any benefit of doubt to the tenant.

14. Considering, numerous attempts were made for affecting service upon the tenant and each time, the report of the Process Server stated that the premises were found lying locked and that the tenant visited the



premises occasionally, and there is no plausible reason given by the tenant qua the service affected through affixation, as also since no application seeking leave to defend was ever filed by the petitioner/ tenant within the prescribed statutory period of *15 days*, it was incidental for the learned ARC to accept the averments made in the eviction petition as admitted and proceed with allowing the eviction petition of the landlord.

15. Under such circumstances, since it is a settled position of law that the statutory period of *15 days* for filing of leave to defend application is sacrosanct and cannot be extended as the same would undermine the legislative intent behind the same. Reliance is placed upon ***Prithipal Singh vs. Satpal Singh*** (2010) 2 SCC, the relevant extract whereof is reproduced herein as under:-

“... ...16. From a careful perusal of Sub-section (4) of Section 25B of the Rent Act, it would be clearly evident that the tenant shall not be permitted to contest the prayer for eviction unless he files an affidavit before the Controller stating the ground on which he seeks to contest the application for eviction and obtains leave from the Controller. This Section also clearly indicates that in default of his appearance in compliance with the summons or his obtaining such leave, the statement made by the landlord in the eviction proceeding shall be deemed to be admitted by the tenant and the landlord shall be entitled to an order for eviction on the ground mentioned in the eviction petition. At this stage, we may also note that in Sub-section (4) of Section 25B of the Rent Act read with Third Schedule, it has been made clear by the Legislature that if the summons of the proceeding is received by the tenant, he has to appear and ask for leave to contest the eviction proceeding within 15 days from the date of service of notice upon the tenant and if he fails to do so, automatically, an order of eviction in favour of the landlord on the ground of bona fide requirement shall be



made.”

16. As such, considering the aforesaid position as also the relevant provisions involved in a revision petition, there is hardly any scope of interference by this Court in the impugned order passed by the learned ARC.

17. Since the statutory period of six months as prescribed under *Section 14(7)* of the DRC Act has already lapsed, the petitioner is liable to vacate and handover the peaceful and physical possession of the subject premises to the respondent/ landlord in terms of the impugned order dated 02.04.2025 passed by the learned ARC.

18. In view of the aforesaid, the present petition stands dismissed in *limine*.

SAURABH BANERJEE, J.

NOVEMBER 14, 2025/bh