



\$~63

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

+ RC.REV. 382/2025, CM APPL. 75298/2025, CM APPL. 75299/2025, CM APPL. 75300/2025, CM APPL. 75301/2025, CM APPL. 75302/2025

NAWAL KISHORE SHARMA

.....Petitioner

Through: Mr. Narendra Sharma, Adv.

versus

ISHWAR SINGH

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

03.12.2025

%

1. By virtue of the present petition, the petitioner/ tenant, *inter alia*, seeks setting aside of the order dated 16.10.2025 (***impugned order***) passed by the learned Rent Controller, New Delhi District, Patiala House Courts, Delhi (***learned RC***) in RC ARC No.15/2025 filed by the respondent/ landlord under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958 (***DRC Act***), whereby the eviction petition of the landlord has been allowed, and the application seeking leave to defend filed by the tenant has been held as filed beyond the statutory period of *15 days* from service.

2. Though the tenant has raised various grounds, learned counsel for the tenant primarily submits that though the application seeking leave to defend was filed by the tenant within the statutory period of *15 days* from service, despite thereto the learned RC has committed a calculation error *qua* the same.



3. On the aspect of service, learned counsel submits that despite being served on 12.08.2025, since it was the categorical submission of the tenant in his application seeking leave to defend that the certified coloured copy of the site plan was not served upon him, and what was served was “*Illegible-unreadable*”, the same ought to have been taken into consideration by the learned RC. Thereafter, it was only on 06.09.2025 that the tenant came to know that the Site Plan relied upon by the landlord is the same as in a previous proceeding *inter se* the parties, and so, the period of limitation ought to have been counted from the said date.

4. This Court has heard the submissions addressed by learned counsel for the tenant as also gone through the documents on record.

5. A perusal of the record reveals that since the application seeking leave to defend was prepared and signed by the tenant on 02.09.2025, i.e. before the aforesaid date of 06.09.2025 on which it is claimed the tenant gained knowledge of the Site Plan, it does not lie for the tenant to contend that the same was filed within the statutory *fifteen days* period by him before the learned RC, more so, as the same already stood over. Moreover, the contents of the said application whereby the tenant sought leave to defend is itself sufficient for this Court to conclude that the tenant, sans the Site Plan, was well aware of the contents. It is not disputed by learned counsel that on 06.09.2025 also, the tenant had not filed any application seeking leave to defend before the learned RC.

6. Further, this Court agrees with the findings of the learned RC who has held that if the tenant was in a position to prepare his application seeking leave to defend without the said Site Plan, there could have been no reason for non-filing of the same before the expiry of the statutory



period of *fifteen days*. So much so, when objections thereto had already been taken in the said application by way of averments such as “*No site plan in this regard have been filed on record. No site plan has been filed regarding the entire property*”.

7. Interestingly, though the eviction proceedings were listed on 25.08.2025 before the learned RC for supplying of a legible copy of the said Site Plan, however, there was no appearance on behalf of the tenant on the said date. So much so, as recorded in the impugned order, the tenant never produced the said alleged “*illegible*” Site Plan before the learned RC.

8. Considering the aforesaid, as also the limited scope of interference by this Court in revisional jurisdiction as held in ***Sarla Ahuja vs. United India Insurance Co. Ltd*** (1998) 8 SCC 119 and ***Abid-Ul-Islam vs. Inder Sain Dua*** (2022) 6 SCC 30, this Court does not see any merit in the present petition and the same deserves dismissal *in limine*.

9. Accordingly, the impugned order dated 16.10.2025 passed by the learned RC is upheld and the present petition along with the pending applications is dismissed *in limine*.

SAURABH BANERJEE, J

DECEMBER 3, 2025/Ab