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

+ RC.REV. 147/2018, CM APPL. 14417/2018, CM APPL. 21458/2019, CM APPL. 12551/2024, CM APPL. 14822/2024, CM APPL. 22443/2025, CM APPL. 57163/2025

SARDAR TIRATH SINGH

.....Petitioner

Through: Mr. Dilip Singh, Ms. Maahi Singh,
Mr. Arnav Mehta and Mr. R.
Karthik, Advs.

versus

ABDUL RASHID (DECEASED) THR LRS & ORS ...Respondents

Through: Mr. Javed Ahmad and Ms. Aakriti
Aditya, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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11.12.2025

CM 78434/25 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM 78435/25 (for delay of 27 days in filing the review petition)

3. This is an application filed by the petitioner seeking condonation of delay of 27 days in filing the present review petition.
4. Considering the period for which the condonation of delay in filing the present review petition is being sought as also for the reason stated in the present application, the same is allowed.
5. The application is disposed of.

Review Petition 620/25 (by LRs of petitioner for review of order dated 10.10.2025)

6. By virtue of the present review petition, the petitioner seeks review

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of the order dated 10.10.2025 by virtue whereof CM APPL. 63820/2025 and CM APPL. 57163/2025 were dismissed.

7. At the outset, it is an admitted position that the very same petitioner filed an SLP(C) No.30941/2025 before the Hon'ble Supreme Court against the order dated 10.10.2025 whereby this Court dismissed the petitioner's application, being CM APPL. 63820/2025, for taking on record the order dated 19.09.2011 passed by the MCD. The said SLP was withdrawn by the petitioner on 07.11.2025, wherein, it was recorded as under :-

"... ..When the matter was heard for some time, finding the Court not in agreement with the submission made, learned counsel for the petitioner seeks permission to withdraw the special leave petition.

2. Permission is granted.

3. The special leave petition is dismissed as withdrawn."

8. As apparent from aforesaid, as the petitioner never sought, it was never granted any permission and/ or liberty for filing a review by the Hon'ble Supreme Court. The said SLP was simpliciter dismissed as withdrawn. As such, the petitioner is now precluded from raising the very same issues under the garb of this review petition, which have already negated by a speaking order by this Court.

9. In any event, on merits also, the petitioner has been unable to make out any case which fall within the *realm* of the grounds set out in *Order XLVII rule 1* of the Code of Civil Procedure, 1908.

10. Accordingly, the review petition is dismissed.

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11. On 29.10.2025, this Court, after hearing the parties, recorded as



under:-

“1. Furtherance to the last date of hearing, learned counsel for the petitioner submits that he has instructions to proceed with his arguments herein. As such, while relying upon paragraph no.14 of the application seeking leave to defend, he submits that there exists no landlord-tenant relationship inter se the parties, and further that since the subject property in question belongs to the Government of India, the respondent herein is a stranger qua the subject property.

2. He further submits that, in any case, for a landlord to file a petition under Section 14(1)(e) of the Delhi Rent Control Act, 1958 (DRC Act), the landlord has to be the owner of the subject property and none but the owner can only file the petition under Section 14(1)(e) of the DRC Act.

3. Lastly, he submits that the learned ARC in the impugned order has wrongly applied Section 116 of the Indian Evidence Act, 1872 under the facts and circumstances of the case.

4. Qua the aforesaid contentions raised by learned counsel for the petitioner, this Court finds that though the petitioner has sought to contend that there exists no landlord-tenant relationship, however, a perusal of record including petitioner's own application seeking leave to defend reflects otherwise. Notably, the very same petitioner in paragraph 13 of his leave to defend application has stated as under:

“... .. It is submitted that a legal notice dated 09.07.2013 was issued and served to the respondent on behalf of Sh. Mohd. Faizan, the petitioner no. 5 herein wherein he claimed himself to be the son of Late Sh. Abdul Rashid in order to overcome the aforesaid legal disability. However, the respondent through his counsel sent a detailed reply to the said counsel of petitioner no. 5.”



[Emphasis supplied]

5. Further, a perusal of the reply dated 02.09.2013 to the legal notice dated 09.07.2013 also reveals that the petitioner has categorically admitted the existence of landlord-tenant relationship in the following terms as well:

“5. That it is correct that my client was inducted as a tenant in the shops no. 48-50 at Shop Site No. 15, Old Market, Timarpur, Delhi-110054 and the father of your client Sh. Abdul Rashid was receiving the rent against receipt from my client for himself as well as on behalf of the other co-lessees namely Sh. Farid Ahmed, Smt. Anwari Begum and Saida Begum upto the year 1965.”

6. Under such circumstances, it does not lie in the mouth of the petitioner to deny the existence of landlord-tenant relationship between the parties. Furthermore, this Court also finds it difficult to agree with the submissions of the petitioner that the respondent being a complete stranger to the subject particularly whence, admittedly, there has been no proceedings initiated by the Government of India and/ or any other statutory bodies against the respondent qua the subject property. The same is also contrary to the pleadings before the learned ARC.

7. The said contention further fails as it is also now trite that in the proceedings of the present nature, the landlord is not required to establish absolute title over the subject premises. What is required to be established by the eviction petitioner is a title better than that of the tenant. In other words, the meaning of word ‘owner’ used in Section 14(1)(e) of the DRC Act is something more than the tenant. Reference in connection can be made to **Smt. Shanti Sharma & Ors vs Smt. Ved Prabha & Ors** [1987 (4) SCC 193].

8. Lastly, having once admitted landlord-tenant relationship, the petitioner cannot plead that the Section



116 of the Indian Evidence Act, 1872 has been wrongly applied, more so when the learned ARC was dealing with an eviction petition regarding the dispute relating to the subject property inter se the parties.

9. In effect, the petitioner is just trying to rake up the same issues once again under the garb of the present petition by taking fresh as also contrary stands, which is not permissible, and that too in the present revision petition wherein the scope of interference by this Court is very limited.

10. Baring the above, learned counsel for the petitioner has not addressed any more arguments.

11. In view thereof, prima facie this Court is not convinced with the arguments addressed by learned counsel for the petitioner. That being said, the present petition can be finally heard and disposed of today itself.

12. However, at this stage, learned counsel for the petitioner submits that a Special Leave Petition (SLP) challenging the last order dated 10.10.2025, has been filed before the Hon'ble Supreme Court, which is likely to be listed in due course. In view thereof, he submits that this Court ought not to proceed with the final adjudication of the present petition.

13. On clarification from learned counsel for the petitioner, it is ascertained that the said challenge is confined only to the dismissal of C.M. APPL. 63820/2025. Thus, this Court prima facie can proceed with adjudication of the present revision petition, more so, whence the present revision petition is already pending since 15.03.2018, wherein the petitioner continues to enjoy an interim order since 13.04.2018. All the more since the SLP filed by the petitioner is yet to be listed and thus no notice has been issued therein till now.

14. However, considering the petitioner has approached the Hon'ble Supreme Court by way of an SLP, in the interest of justice, the adjudication is deferred till the next



date of hearing.”

12. Therefore, there is nothing remaining to be heard for and on behalf of the tenant today.

13. In view of the aforesaid, and considering the decisions rendered by the Hon’ble Supreme Court 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, there is no requirement for any kind of interference by this Court in the present petition, more so, since the tenant has merely sought to reagitate the very same arguments which have been duly considered and negated by the learned ARC by way of the well reasoned impugned order.

14. As such, finding no infirmity/ perversity/ illegality in impugned order, the present revision petition is dismissed and the impugned order dated 16.10.2017 passed by the learned ARC is upheld.

15. Since the statutory benefit of six months in term of *Section 14(7)* of the Delhi Rent Control Act, 1958 has already expired, the tenant is liable to vacate, handover peaceful and physical possession of the subject premises to the landlord, in compliance of the impugned order dated 16.10.2017.

SAURABH BANERJEE, J.

DECEMBER 11, 2025/bh