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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 407/2025**

INAM UL HAQ (SINCE DECEASED) (THROUGH LRS)

.....Petitioner

Through: Mr. Pratap Singh, Adv.

versus

SAJID KHAN & ORS.

.....Respondents

Through: Mr. Arunk S., and Modh. A.,
Rehman, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **19.12.2025**

CM APPL. 80626/2025 (*Exemption*)

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

CM APPL. 80627/2025 (*Condonation of delay in filing revision petition*)
& **CM APPL. 80628/2025** (*Condonation of delay in re-filing revision petition*)

3. The petitioner, *vide* the present applications seeks condonation of delay of 47 days in filing and condonation of delay of 25 days in re-filing the captioned revision petition, by virtue whereof, the petitioner seeks to challenge the order dated 26.02.2019 in Eviction Petition No.289/2013 (New No.77237/2016) passed by the learned SCJ-cum-RC (Central), Tis Hazari Court, Delhi (*learned RC*) whereby the petitioner's leave to defend application was dismissed and the order dated 20.09.2022 in Misc. RC



ARC No.191/2019 passed by the learned RC (referred to as *impugned orders*), the petitioner's review petition was allowed and leave to defend was granted on the aspect of the landlord tenant relationship alone.

4. For the reasons stated in the present applications as also in view of the law laid down by this Court in *Jai Prakash vs. Jean Conea: Civil Misc. Appeal No. 1724 of 1980, (Del)*, the delay of 47 days in filing and delay of 25 days in re-filing the captioned revision petition is condoned.

5. Accordingly, the present applications are allowed and disposed of.

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6. The petitioner, *vide* the present revision petition seeks the following reliefs:

“(a) Call the record of the Rent controller tribunal and set aside the impugned order dated 20.09.2022 passed in Misc. RC ARC No. 191/2019 in Eviction Petition No. 289/2013 (New No. 77237/2016) by Shri Balwinder Singh, SCJ-cum-RC (Central), Tis Hazari Court, Delhi to the extent that it failed to dismiss the eviction petition or grant leave to defend on all aspects/objections raised;

(b) Call the record of the Rent controller tribunal and set aside the impugned order dated 26.02.2019 passed by the Court of Shri Prashant Sharma, SCJ-CUM-RC, Central District, Delhi in Eviction Petition E. No. 289 of 2013 titled Sajid Khan vs. Inam-ul-Haq, whereby the learned ARC dismissed the application for leave to defend and ordered eviction of the petitioners from 1763-1764, First Floor, Hauz Sui Walan, Chandni Mahal, Delhi 110006; (c) pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

7. Of the many grounds raised by the petitioner in the present revision petition, Mr. Pratap Singh, learned counsel for the petitioner primarily



contends that the whole case of the petitioner revolves around the '*fraud*', allegedly committed by the respondent herein by claiming that the subject premises came to their share by virtue of an alleged unregistered Partition Deed dated 01.04.1999.

8. On a specific query put by this Court, Mr. Pratap Singh has been unable to show any pleading *qua* the element of '*fraud*' before the learned RC. Moreover, all that learned counsel for the petitioner has been able to show are some averments made by the petitioner in the Eviction Petition *qua* '*concealment*'. In fact, Mr. Pratap Singh further submits that the element of '*fraud*' which goes into the root of the matter can be taken by a party like the petitioner at any stage of the litigation. To substantiate the same, reliance is placed upon the judgment passed by the Hon'ble Supreme Court in ***S.P Chengalvaraya Naidu vs Jagannath: (1994) 1 SCC 1***, wherein it has been held that when a person basis his case on falsehood, he has no right to approach a Court of law and can be summarily thrown out at any stage of the litigation.

9. Though the case of the petitioner primarily hinges upon the element of '*fraud*' committed by the respondent, however, strangely and *admittedly* there were no assertion *qua* '*fraud*' at the initial stages before the learned RC and that too when the litigation *inter se* the parties was going on since and from 2013 i.e. for more than twelve years. This, in view of the aforesaid, could not be a reason for the petitioner to agitate the same while this Court is dealing with the revisionary jurisdiction.

10. Issue notice.

11. Learned counsel for the respondents accepts notice.

12. He submits that in another revision petition being RC.REV.



220/2023 entitled '*Sajid Khan & Ors. vs. Inam-Ul-Haq (Deceased) Thr LRs' inter se* the same parties, *vide* order dated 10.12.2025 passed by this Court the present petitioner was given "... *...one last opportunity to address arguments only on the remaining aspects which are not similar and/ or been covered by the respondent in RC.REV. No.219/2023.*" and that too on the basis of the request made by learned senior counsel who was appearing for the petitioner therein. Needless to say, the said petition is listed for arguments tomorrow.

13. In any event, this Court is not agreeable with the fresh/ new case/ ground set up by the petitioner in the present revisionary jurisdiction, despite being coated as a legal ground, the same being impermissible and devoid of any merit, is liable to be rejected.

14. In light of all the aforesaid, the present revision petition is dismissed, with no order as to costs.

SAURABH BANERJEE, J

DECEMBER 19, 2025/Ab