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

***Date of decision: 28.10.2026***

\# **CNR No. DLHC010230002026**

\+ RC.REV. 176/2026

SMT DAMYANTI DEVI .....Petitioner

Through: Mr. Manoj Sharma and Mr. Kapil Kaushik, Advocates.

versus

SH SHREYANSH SOHARIA .....Respondent

Through: Mr. Vinit Trehan, Ms. Urvi Syal and Ms. Diti Jain, Advocates.

**CORAM:**
**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**

**%** **JUDGEMENT (Oral)**

**CM APPL. 74229/2026 (Seeking Early Hearing )**

1. The present Application has been filed under Section 151 of the Code of Civil Procedure, 1908 ["**CPC**"], seeking early hearing of the present matter.

2. For the reasons as stated in the Application, the same is allowed and the matter is taken up for hearing today.

3. The present Application stands disposed of in the above terms.

**RC.REV. 176/2026**

4. The present Petition has been filed under Section 25-B(8) of the

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Delhi Rent Control Act, 1958 ["**DRC Act**"], assailing the Eviction Order dated 27.03.2026 ["**Impugned Order**"] passed by the learned Additional Rent Controller-01, Tis Hazari Courts, Central District, Delhi ["**learned ARC**"], in Eviction Petition bearing RC ARC No. 144/2024.

5. Learned counsel appearing on behalf of the Petitioner draws the attention of this Court to the Rejoinder filed by the Petitioner herein to the Reply filed on behalf of the Respondent in response to the Application seeking leave to defend, in which there is a categorical assertion with respect to the aspect that the Respondent had allegedly re-let the Shop Nos. 1,2,3,4 and 5, which were got vacated by him. He would further submit that details of the tenants in respect of each of these shops had also been provided as also photographs and lease deeds in support of this contention was placed on the record before the learned ARC. He submits that despite the factum of a Rejoinder having been filed and being noted by the learned ARC, no consideration has been accorded to any of the averments that have been made in the said Rejoinder.

6. *Per Contra,* learned counsel appearing on behalf of the Respondent would submit that the contents of the Rejoinder could not have been taken into consideration since any grounds for opposing the Eviction Petition were to be statutorily taken within the 15 day period and in the Application seeking leave to defend and any Rejoinder thereafter could not expand the scope of the objections. He further submits that considering the same, there is no infirmity in the said judgment.

7. It is pertinent to note that no other grounds were urged by the learned counsel appearing on behalf of the parties.

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***ANALYSIS:***

8. This Court has heard learned counsel appearing on behalf of the parties, and, with their able assistance, perused the material available on record, including the relevant documents as well as the Impugned Order.

9. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the *proviso* to Section 25-B(8) of the DRC Act.

10. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***[1], ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***[2], and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***[3], has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25-B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

11. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in ***Pankaj Pahwa v. Prem Wati & Ors.***[4], and ***Sanjeev Hiranandani v. Sunny Grover***[5].

12. In ***Abid-Ul-Islam*** (supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25(B) of the

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[1] (1998) 8 SCC 119
[2] (2014) 9 SCC 78
[3] (2022) 6 SCC 30
[4] 2024:DHC:9322
[5] 2025:DHC:11285

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DRC Act, observed that the omission of an appellate remedy against an Order passed by the learned Rent Controller is conscious and deliberate. The jurisdiction conferred upon the High Court is, therefore, one of superintendence over the decision-making process, including the legality and propriety thereof, and does not permit the High Court to substitute its own view for that of the learned Rent Controller merely because another view on the material available on record may be possible. The relevant observations of the Hon'ble Supreme Court read as under:

> "**23.** The proviso to Section 25-B(8) gives the High Court exclusive power of revision against an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance. Thus, the High Court is not expected to substitute and supplant its views with that of the trial court by exercising the appellate jurisdiction. Its role is to satisfy itself on the process adopted. The scope of interference by the High Court is very restrictive and except in cases where there is an error apparent on the face of the record, which would only mean that in the absence of any adjudication per se, the High Court should not venture to disturb such a decision. There is no need for holding a roving inquiry in such matters which would otherwise amount to converting the power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature."

13. In ***Pankaj Pahwa*** (supra), a Coordinate Bench of this Court, upon considering the principles enunciated in ***Abid-Ul-Islam*** (supra), reiterated that the jurisdiction exercised by this Court under the *proviso* to Section 25-B(8) of the DRC Act is limited in scope and that this Court is not expected to substitute or supplant its view for that of the learned ARC. The revisional scrutiny is confined to examining the decision-making process and determining whether the Impugned Order suffers from an error apparent on the face of the record or an absence of adjudication warranting interference.

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14. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25-B(8) of the DRC Act, this Court is neither required nor permitted to undertake a fresh appreciation of the material on record with a view to arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Order suffers from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC is wholly unreasonable or founded upon an erroneous premise of law. Equally, where a material plea has been left unconsidered, or the decision-making process otherwise discloses an error apparent on the face of the record, exercise of revisional jurisdiction may be warranted.

15. As is apparent from a perusal of the Impugned Order, the learned ARC has taken note of the fact that a Rejoinder had been filed by the Petitioner herein to the Reply submitted by the Respondent to the Application seeking leave to defend. The said Rejoinder was also permitted to be taken on record. However, despite having taken note of the filing of the Rejoinder, the learned ARC has not adverted to or dealt with the specific averments made therein, particularly those concerning the alleged re-letting of Shop Nos. 1, 2, 3, 4 and 5, which, according to the Petitioner, had earlier been vacated by the Respondent. The Petitioner had, in support of the aforesaid assertions, furnished particulars of the persons allegedly inducted as tenants in the respective shops, besides placing photographs and lease deeds on record.

16. This Court is conscious of the submission advanced on behalf of the Respondent that, in proceedings under Section 25-B of the DRC

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Act, the grounds seeking leave to defend are required to be specifically urged within the statutorily prescribed period of fifteen days and that a subsequent Rejoinder cannot be permitted to enlarge the scope of the defence already set up. However, having considered the rival submissions and examined the material available on record, this Court finds that the aforesaid objection is misconceived in the facts of the present case. The contentions raised by the Petitioner in the Rejoinder, pertaining to the alleged re-letting of the other shops, do not constitute an altogether new or independent ground of defence, but are in the nature of further particulars and supporting assertions intended to substantiate and buttress the plea already raised in the Application seeking leave to defend. In other words, the Petitioner has not sought to set up an entirely different defence through the Rejoinder, but has sought to fortify the existing assertion by placing further particulars and material in support thereof. Consequently, the consideration of such averments would not, in the facts of the present case, amount to permitting the Petitioner to introduce an additional ground of defence beyond the statutory period prescribed under Section 25-B of the DRC Act.

17. In any event, it is pertinent to note that the Rejoinder was permitted to be taken on record by the learned ARC and its filing has also been expressly noticed in the Impugned Order. Once the learned ARC had permitted the said pleading to form part of the record and had taken note of its existence, it was incumbent upon the learned ARC to deal with the material contentions raised therein, particularly those which were in furtherance of the defence already set up by the Petitioner. The learned ARC was required to examine the relevance and import of the assertions made therein and thereafter arrive at an

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appropriate conclusion, either accepting or rejecting the same, for reasons to be recorded. The mere fact that the Rejoinder was taken on record and its filing was noticed in the Impugned Order could not dispense with the requirement of judicially considering the material averments contained therein. The learned ARC could not have simply noticed the existence of the Rejoinder while leaving its substantive contents altogether unaddressed.

18. It is clarified that the aforesaid requirement of consideration does not, in any manner, imply that the learned ARC was bound to accept the assertions made by the Petitioner or to treat the documents relied upon in support thereof as conclusive proof of the alleged re-letting. The learned ARC was, undoubtedly, at liberty to examine the evidentiary value, relevance and probative worth of the material placed on record and to return a finding in accordance with law. However, what was required was an adjudication of the contentions so raised and not their complete omission from consideration. The failure to deal with such material averments, which were intended to substantiate a defence already raised in the Application seeking leave to defend, has resulted in a material aspect of the Petitioner's case remaining unadjudicated.

19. This Court is, therefore, of the considered view that the aforesaid omission constitutes an infirmity in the decision-making process and attracts the limited revisional scrutiny envisaged under the proviso to Section 25-B(8) of the DRC Act. The interference warranted in the present case is not on account of this Court undertaking a fresh appreciation of the material placed on record or expressing any opinion on the merits of the allegations concerning the alleged re-letting of the shops. Rather, the interference is necessitated

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by the failure of the learned ARC to consider and adjudicate upon material contentions which had been duly brought on record, permitted to be taken on record and expressly noticed in the Impugned Order. Such non-consideration amounts to an absence of adjudication on a material aspect of the defence and, therefore, warrants interference in the exercise of the revisional jurisdiction of this Court.

20. In view of the foregoing discussion, this Court is of the considered opinion that the Impugned Order cannot be sustained and is accordingly set aside.

21. The present *lis* is remanded back to the learned ARC for fresh and *de novo* consideration, on the basis of the record as was available before it.

22. List before the learned ARC on 20.11.2026.

23. Needless to state that nothing contained in the present order shall be construed as an opinion of this Court on the merits of the rival contentions, including the veracity of the Petitioner's allegations regarding the alleged re-letting of the aforesaid shops. All questions of fact and law are accordingly left open for consideration by the learned ARC, which shall proceed to adjudicate the Application seeking leave to defend independently, uninfluenced by any observations made herein.

24. The present Petition, along with the pending application(s), including the caveat, if any, stands disposed of in the aforesaid terms.

25. The date already fixed stands cancelled, i.e., 03.12.2026.

**HARISH VAIDYANATHAN SHANKAR, J.**

**OCTOBER 28, 2026/nd/va**

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