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

Reserved on: 16.10.2026
Date of Decision: 27.10.2026
Date of Uploading: 27.10.2026

\# **CNR No. DLHC010507572026**

\+ CM(M) 2311/2026, CM APPL. 73061/2026 & CM APPL. 73062/2026

RAM ROOP JAIN & ANR. .....Petitioners
Through: Mr. P.K. Rawal and Mr. Tarun Agarwal and Mr. Akhil Singh, Advs.

versus

KALPANA JAIN & ANR. .....Respondents
Through: Mr. Anil Soni, Sr. Adv. with Mr. Lalit Gupta, Mr. Ashish Kumar, Ms. Pooja Sharma and Ms. Pearl Sharma, Advs.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. Through the present petition, the petitioners/tenants impugn the order dated 06.10.2026, passed by the learned ARC-02 (Central), Tis Hazari Courts, Delhi, in RC ARC 582/25[1], titled *"Kalpana Jain v. Ram Roop Jain"*[2], whereby the learned Trial Court dismissed the application of the petitioners under Section 151 of the Code of Civil Procedure, 1908[3], seeking to place certain documents on record.

[1] Hereinafter 'Trial Court'
[2] Hereinafter 'underlying proceedings'
[3] Hereinafter 'CPC'

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2. The facts, shorn of unnecessary details, are as follows, the respondents/landlords instituted the underlying proceedings under Section 14 (1)(e) read with Section 25-B of the Delhi Rent Control Act, 1958[4] *qua* Shop No. 1219/07, Ground Floor, Municipal No. 1217- 1221, Katra Sat Narayan, Chandni Chowk, Delhi-110006[5].

3. Pursuant thereto, summons got served on 23.09.2025 and application for leave to defend was filed on 06.10.2025. The respondents filed a reply thereto, followed by a rejoinder on behalf of the petitioners.

4. On 05.10.2026, when the matter was listed for arguments on the leave to defend application, the subject application under Section 151 CPC was moved by the petitioners, seeking to place on record, details of purported subsequent events along with a list of documents and an affidavit under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023.

5. The learned Trial Court *vide* the impugned order dated 06.10.2026 dismissed the aforesaid application of the petitioners.

6. Aggrieved thereby, the petitioners have invoked the jurisdiction of this Court under Article 227 of the Constitution of India.

7. The learned counsel for the petitioners submits that the respondents did not act in accordance with Direction 2 contained in Chapter 22 - Directions for Streamlining the Procedure for Speedy Disposal of Cases under DRC Act, High Court Rules & Orders, Volume I, inserted *vide* Notification No. 99/Rules/DHC dated 15.03.2010. Under this direction, landlords filing a petition under the DRC Act are mandated to furnish *inter alia* details of pending litigation between the same parties or between different parties *qua* the same property. It is submitted that a copy of the aforesaid notification was handed over to the learned Trial Court, yet the same remains

[4] Hereinafter 'DRC Act'
[5] Hereinafter 'subject property'

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unaddressed/unexamined in the impugned order.

8. In respect of the above, it is stated that the petitioners have instituted numerous eviction petitions against occupants of other shops within the same premises as the subject property, many of which have been withdrawn or disposed, thereby negating the *bona fide* requirement contention of the respondents. It is added that the petitioners sought to only place on record judicial records of the aforementioned proceedings, as the general omnibus disclosure in the eviction petition about the pendency of these matters is not meaningfully transparent.

9. Emphasis is laid on the fact that the withdrawals/disposals of several other eviction petitions are "subsequent developments", which could not have been manufactured, invented or retrospectively pleaded by the petitioners while filing the application for leave to defend.

10. It is further urged that the respondents have, subsequent to filing of the petitioners' application for leave to defend, displayed banners/posters stating "SHOP AVAILABLE FOR RENT", along with the names of "Kalpana Jain" and "Kamal Jain", which corroborates that the respondents intended to secure vacant possession of the other shops within the premises for commercial exploitation only. It is stated that the cumulative effect of these "subsequent developments", raises a question over the credibility of *bona fide* requirement.

11. Reliance is placed on ***Rajiv Puri v. Jagdish Kumar (Since Deceased) Thr Lrs and Others***[6] and ***Qamruddin v. Ziauddin***[7], to contend that a hyper-technical approach ought not to be taken while considering to take on record additional documents/pleadings concerning subsequent developments, including facts of which knowledge was acquired subsequent to filing of the application for leave to defend.

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[6] **2020 SCC OnLine Del 311**

[7] **2020 SCC OnLine Del 2575**

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12. The petitioners have also relied upon ***Gulab Singh v. Sher Singh***[8] and ***Punjab Stainless Stell House and Another v. Sangeeta Kedia***[9], to contend that material subsequent developments which transpire after the application for leave to defend has been moved, ought to be taken on record.

13. *Per Contra,* learned counsel for the respondents submits that the unequivocal disclosures *qua* the other eviction petitions and the fact that the respondents sought the entire premises for their *bona fide* use, were made in paragraph 31 of the eviction petition and reiterated in paragraph 15 of the respondents' reply to the application for leave to defend.

14. It is further submitted that the photographs showing the banners reading "SHOP AVAILABLE FOR RENT", which are sought to be introduced by the petitioners, are fabricated/staged by the petitioners themselves and demonstrate their malice. It is stated that these banners were affixed by the petitioners and/or their agents when the market was closed and it is evident that the respondents had no reason to affix these banners as 5 out of the 8 shops where such banners have been affixed, are still within the possession of the respective tenants and are subject to litigation.

15. Reliance is placed on the landmark judgment of ***Gaya Prasad v. Pradeep Srivastava***[10], whereby the Hon'ble Supreme Court cautioned against taking routine cognizance of "subsequent events" in rent litigation, unless such "subsequent events" genuinely eclipse the relief sought by the party seeking eviction, which is not the case herein.

16. This Court has considered the rival submissions and perused the material on record.

17. The narrow question which arises for consideration is whether at the

[8] **2015 SCC OnLine Del 9295**
[9] **2014 SCC OnLine Del 7692**
[10] **(2001) 2 SCC 604**

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stage where the application for leave to defend was listed for arguments, could the petitioners have been permitted to introduce the material cited in their application under Section 151 CPC.

18. In the present case, the petitioners wish to bring on record two sets of documents namely, details of eviction petitions filed by the respondents against occupants of other shops within the premises where the subject property is situated and photographs displaying advertisement banners affixed outside such shops. The explanations proffered by the petitioners for introducing this material at a belated stage are firstly, the existence of these other petitions was discovered only during an online inspection of judicial records and the settlements/withdrawals therein occurred after the application for leave to defend was filed and secondly, the existence of these banners came to the knowledge of the petitioners after the respondents obtained vacant possession of such shops. These explanations, in the considered view of this Court, are vague and not maintainable.

19. A bare reading of paragraph 31 of the eviction petition and paragraph 15 of the reply to the application for leave to defend, reveals that the respondents seek the entire premises for their *bona fide* requirement and have in pursuance thereof, instituted other eviction petitions as well. Even otherwise, records of these petitions i.e., the withdrawals/disposals, are readily accessible through a search on the e-courts portal. So, the assertion that these judicial records came to the petitioners' knowledge at a belated stage, does not inspire confidence.

20. Turning next to the photographs, the petitioners contend that the respondents intend to commercially let out the other shops in the premises, for which vacant possessions have been obtained by citing *bona fide* requirement. However, not one shred of proof, for instance, any record of correspondence between prospective tenants and the respondents etc., has been brought forth

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by the petitioners to substantiate that the respondents either intend to or have let out these other shops.

21. Even if for the sake of the argument, it is presumed that the respondents have actually let out these shops, even then the rights of the evicted tenants would be protected by the statutory remedy provided under Section 19 DRC Act. Moreover, in the event that the respondents commercially let out the subject property herein, even the petitioners would be at liberty to seek the remedy under Section 19 DRC Act. However, in the sheer absence of any evidence of violation on the part of the respondents, the petitioners cannot be permitted to introduce these photographs as "subsequent developments", as these "developments" mentioned by the petitioners are baseless and have not even occurred. Additionally, the authenticity of these photographs remains heavily disputed. Reference is made to ***Abid-Ul-Islam v. Inder Sain Dua***[11], where the Hon'ble Supreme Court shed light on the scope of Section 19 DRC Act as a remedy for dispossessed tenants where there is a non-compliance on part of the landlord after eviction. The relevant portion of the judgment is extracted hereinbelow:

> "**19.** Before a presumption is drawn, the landlord is duty-bound to place prima facie material supported by the adequate averments. It is only thereafter, the presumption gets attracted and the onus shifts on the tenant. The object of Section 14(1)(*e*) vis-à-vis Section 25-B has to be seen in the light of yet another provision contained under Section 19. **Section 19 gives a right to the dispossessed tenant for repossession if there is a non-compliance on the part of the landlord albeit after eviction, to put the premises to use for the intended purpose.** Such a right is available only to a tenant who stood dispossessed on the application filed by the landlord invoking Section 14(1)(*e*) being allowed. Thus, Section 19 inter alia throws more light on the legislative objective facilitating a speedy possession. The object is also reflected in the proviso to Section 25-B(8), denying a right of appeal."

[11] **(2022) 6 SCC 30**

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22. Importantly, Direction 2 of the Notification dated 15.03.2010, cited by the petitioners, only mandates a landlord to furnish details of its ongoing litigation with the same parties as the eviction petition or with different parties in respect of the same property. Although the shop forming the subject matter of the present petition is situated within the same premises as the other shops *qua* which the respondents have instituted eviction petitions, these others shops are clearly not the "same property" as the shop herein, in terms of the said direction. Therefore, the reliance of the petitioners on the said notification is misplaced.

23. At this juncture, it is germane to point out that the Hon'ble Supreme Court in ***Gaya Prasad (supra)***, has clarified the scope of "subsequent events" *vis-à-vis* rent/eviction litigation. The relevant portion of the aforesaid judgment is reproduced hereunder for ready reference:

> "**13.** In our opinion, **the subsequent events to overshadow the genuineness of the need must be of such nature and of such a dimension that the need propounded by the petitioning party should have been completely eclipsed by such subsequent events**. A three-Judge Bench of this Court in *Pasupuleti Venkateswarlu* v. *Motor and General Traders* [(1975) 1 SCC 770] which pointed to the need for remoulding the reliefs on the strength of subsequent events affecting the cause of action in the field of rent control litigation, forewarned that cognizance of such subsequent events should be taken very cautiously. This is what learned Judges of the Bench said then: (SCC pp. 772-73, para 4)
> "We affirm the proposition that for making the right or remedy claimed by the party just and meaningful as also legally and factually in accord with the current realities, the court can, and in many cases must, take cautious cognizance of events and developments subsequent to the institution of the proceeding provided the rules of fairness to both sides are scrupulously obeyed.
>
> **14.** The next three-Judge Bench of this Court, which approved and followed the above decision, in *Hasmat Rai* v. *Raghunath Prasad* [(1981) 3 SCC 103] has **taken care to emphasise that the subsequent events should have "wholly satisfied" the**

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> **requirement of the party who petitioned for eviction on the ground of personal requirement**. The relevant passage is extracted below: (SCC pp. 113-14, para 14)
> "Therefore, it is now incontrovertible that where possession is sought for personal requirement it would be correct to say that the requirement pleaded by the landlord must not only exist on the date of the action but must subsist till the final decree or an order for eviction is made. *If in the meantime events have cropped up which would show that the landlord's requirement is wholly satisfied then in that case his action must fail and in such a situation it is incorrect to say that as decree or order for eviction is passed against the tenant he cannot invite the court to take into consideration subsequent events*.""

24. In view thereof, this Court believes that the reliance of the petitioners on ***Gulab Singh (supra)*** and ***Punjab Stainless Stell House and Another (supra)***, is misplaced. In ***Gulab Singh (supra)***, the eviction petition was instituted by the landlord on the plea of *bona fide* requirement to establish a physiotherapy clinic for his daughter; however, subsequent to the filing of the application for leave to defend, his daughter got married and relocated to another state, and meanwhile other shops belonging to the him became vacant and were re-let. In ***Punjab Stainless Stell House and Another (supra)***, as many as seven shops became available to the landlady pursuant to other eviction orders after the application for leave to defend was filed, thereby satisfying the projected *bona fide* need. In both of these decisions, the *bona fide* requirement was fully eclipsed by material subsequent events. The aforementioned cases are therefore distinguishable on facts from the present case and lend no assistance to the petitioners.

25. Undoubtedly, subsequent events that arise after the application for leave to defend is preferred can be taken into consideration by the Court, however, in the case at hand, the purported developments pointed out by the petitioners, fail to meet the threshold of "subsequent developments" as held in ***Gaya Prasad (supra)***.

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26. Furthermore, the Hon'ble Supreme Court in ***Prithipal Singh v. Satpal Singh (dead) through its LRs***[12] has laid down that the prescribed period of 15 days for filing an application for leave to defend cannot be extended. And, it is clear that the subject application is a dilatory tactic deployed by the petitioners, who have anyway continually attempted to delay the underlying proceedings. The learned Trial Court *vide* the impugned order has also made the following observations with regards to the petitioners' conduct:

> "Further it is pertinent to note that the matter is at the stage of arguments on leave to defend. Record shows that matter was listed for arguments on leave to defend for 04.08.2026. At request of respondents herein time for filing of rejoinder was also extended vide order dated 04.08.2026 thereby granting 15 days' time to file rejoinder. As per record on the NDOH, i.e. 29.08.2026, adjournment was sought on behalf of respondents. Still in the interest of justice matter was adjourned by way of final opportunity and was fixed for 21.09.2026. On 21.09.2026, none appeared however considering that lawyers were abstaining from work, no adverse orders were passed and matter was fixed for today with clear directions that no adjournment shall be granted to either party for arguments on leave to defend. Despite that, respondents came up with instant application without even supplying an advance copy to other party."

27. It is apposite to clarify that the inherent powers of the Court under Section 151 CPC are intended to meet the ends of justice and albeit the Court is not powerless to take material pertaining to "subsequent events" on record but such developments must be satisfactorily explained and shown to have a material bearing on the core controversy between the parties. The inherent powers under Section 151 CPC cannot be routinely invoked to provide successive opportunities to the petitioners to supplement their grounds, after the application for leave to defend has already been filed.

28. Recently, this Court in ***Manpreet Singh v. Parmod Kumar Gupta and***

[12] **(2010) 2 SCC 15**

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Another[13], while dealing with a similar challenge, declined to interfere with the dismissal of an application under Section 151 CPC seeking to place additional documents on record after the application for leave to defend had been filed. This Court observed that the summary procedure under Section 25-B DRC Act does not contemplate successive opportunities to improve and/or supplement the grounds already disclosed in the application for leave to defend and inherent powers under Section 151 CPC cannot be invoked to circumvent the scheme of Section 25-B DRC Act. The ratio laid down therein applies to the facts of the present case and consequently, the petitioners herein cannot be permitted to bolster their defence belatedly under the garb of introducing additional documents.

29. Additionally, the contention of the petitioners in paragraph 30 of this petition, that no prejudice would be caused to the respondents if the proposed material is taken on record, is not determinative. The mere absence of prejudice cannot circumvent the statutory procedure prescribed under Section 25-B DRC Act.

30. It is equally important to emphasize on the scope of Article 227 of the Constitution of India. It is no longer *res integra* that this Court in exercise of its supervisory jurisdiction, can neither act as an appellate court nor substitute its view where a plausible view has been taken by the courts/tribunals over which it exercises such supervisory jurisdiction. This Court is not empowered to correct every error of fact/law committed by such subordinate courts/tribunals while acting within the bounds of their jurisdiction. Exercise of supervisory jurisdiction is confined to cases of blatant violation of fundamental tenets of law, where failure to intervene would occasion a grave miscarriage of justice. Coming to the present case, this Court cannot lose sight

[13] **2026 SCC OnLine Del 7086**

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of the fact that the learned Trial Court has, while dismissing the petitioners' subject application, taken a plausible and well-reasoned view. Thus, in light of the facts and circumstances of this case, as well as the scope of the supervisory jurisdiction as iterated above, this Court does not believe that the impugned order is riddled with any perversity or patent illegality warranting interference.

31. Thus, in light of the aforesaid discussion, this Court finds the present petition to be devoid of substance. The summary procedure envisaged under Section 25-B DRC Act cannot be bypassed under Section 151 CPC to grant successive opportunities to the petitioners to supplement or improve upon their application for leave to defend. Neither the withdrawal/disposal of other eviction petitions has any material bearing over the respondents' *bona fide* requirement, nor can the disputed photographs be permitted to derail the underlying proceedings, particularly when Section 19 DRC Act provides an adequate safeguard in the event of re-letting.

32. For the reasons stated above, this Court finds no infirmity in the impugned order dated 06.10.2026 passed by the learned Trial Court dismissing petitioners' application under Section 151 CPC.

33. The present petition is, accordingly, dismissed. Pending application(s), if any, stand disposed of.

34. Needless to clarify, the aforesaid observations are confined to the present petition and shall not be construed as an expression of opinion on the merits of the case.

35. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

OCTOBER 27, 2026/*AS/as*

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