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

+ **RC.REV. 412/2025**

PARDEEP JAIN

.....Petitioner

Through: Mr. Amit Rathore, Mr. Anil
Goswami, Mr. Kailash Rana and
Ms. Yogita Bansal, Advocates.

versus

DHARMARTH TRUST MAIRH KSHATRIYAAN (REGD.)

.....Respondent

Through: Mr. Arvind Dhingra, Advocate
(Through VC)

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

27.02.2026

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1. When the present matter was listed on 22.12.2025, after hearing the learned counsel for the petitioner/ tenant, this Court was pleased to pass a detailed order and observe that there is hardly any reason for this Court to interfere with the well-reasoned impugned order passed by the learned ARC, the relevant extracts whereof are as under:-

“11. Though before this Court, the petitioner has once again sought to agitate the issue of landlord tenant relationship, however, the same is/ are founded on the very same contentions which were raised before the learned ARC. They, being bald, vague and unsubstantiated assertions have already been rightly rejected by the learned ARC.

12. Be that as it may, insofar as the aspect of establishing better title is concerned, the production by the respondent of a copy of Sale Deed in favour Mr. Nathu Mal as well as subsequent



registered Trust Deed dated 20.12.1973 in favour of the respondent before the learned ARC were sufficient for the learned ARC to arrive at the conclusion that the respondent was holding a better and superior title as against the petitioner, who was merely claiming ownership of the subject premises by virtue of adverse possession.

13. *Even otherwise, it was the own case of the petitioner that his father was inducted as the tenant by Mr. Nathu Mal, which, by itself, was sufficient for the learned ARC to hold that the petitioner's predecessors as well as the petitioner was/ in permissive possession of the subject premises. As such, it never lay in the mouth of the petitioner to deny the title of the respondent as it was the successor-in-interest of Mr. Nathu Mal.*

14. *In fact, a perusal of impugned order reveals that the learned ARC duly considered all of the aforesaid contentions of the petitioner qua the aspect of landlord tenant relationship and have rightly dismissed the same as under:*

*"11) As far as the landlord-tenant relationship is concerned, the respondent has disputed the same. It is contended that there is no landlord-tenant relationship between the parties and respondent is owner of the premises by being in continuous uninterrupted possession of the premises for the last many decades by way of adverse possession. However, since in the pleadings, it was not apparent as to how the respondent came into the possession of the premises and therefore, as to when the possession became adverse, therefore, specific query was made to the counsel for respondent in this regard at the time of arguments on the leave to defend application. **Counsel for respondent specifically stated that the predecessor of the respondent had been inducted in the premises by Nathu Mal as a tenant and on his demise, since Nathu Mal had no legal heir, therefore, the possession of the respondent/***



*predecessor of the respondent had become adverse. Therefore, it is not in dispute that the status of the respondent in the premises is that of a tenant of Nathu Mal. Hence, respondent cannot dispute the title of Nathu Mal or his successor in interest. **Once the respondent has admitted that he was a tenant of Nathu Mal, he, therefore, cannot deny the title of the successor of the erstwhile landlord. The Hon'ble Supreme Court in the case of Bansraj Laltaprasad Mishra v. Stanley Parker Jones (2006) 3 SCC 91 had held that:***

" 13. The underlying policy of section 116 is that where a person has been brought into possession as a tenant by the landlord and if that tenant is permitted to question the title of the landlord at the time of the settlement, then that will give rise to extreme confusion in the matter of relationship of the landlord and tenant and so the equitable principle of estoppel has been incorporated by the legislature in the said section.
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*12) Even otherwise, it is pertinent to note that the petitioner has filed the copy of sale deed in favour of Nathu Mal for showing title of Nathu Mal S/o Duli Chand. It is further pertinent to note that the petitioner trust is also claiming title of the subject premises from Nathu Mal itself by way of registered trust deed dated 20.12.1973. Hence., the objections of the respondent qua the title of the petitioner trust are devoid of merits. Further, petitioner has also filed MCD inspection record qua the status of respondent in the premises. Besides, it is settled law that the petitioner is not required to prove absolute ownership. In this regard it is necessary to mention the law laid down in the judgment titled as **Rajender Kumar Sharma vs. Smt. Leela Wati** reported as **155 (2008) DLT 383**, the Hon'ble High Court of Delhi held that.*



“It is settled law that for the purpose of section 14 (1) (e) of Delhi Rent Control Act, a landlord is not supposed to prove absolute ownership as required under Transfer of Property Act. He is required to show only that he is more than a tenant. In this case, the landlady had placed on record the documents by which she became owner. The attornment given by the erstwhile landlord in her favour as well as an admission made by the tenant by filing petition under section 27 of Delhi Rent Control Act acknowledgment the landlordship of landlady. Thus, the conclusion arrived at by the ARC regarding ownership and relationship of landlord and tenant were based on sound legal position and the cogent material before it.....”

*13) Therefore, the objection with respect to the title deeds of petitioner and authorisation letter also does not amount to any triable issue as imperfectness of title does not bar a petition u/s 14 (1) (e) of the DRC Act. Further, with respect to the contention of adverse possession, it is no longer res integra that a plea of adverse possession can be only taken against the true owner. Adverse possession is hostile possession by assertion of a hostile title in denial of the title of the true owner as held in **M. Venkatesh v. BDA, (2015) 17 SCC 1 : (2017) 5 SCC (Civ) 387**. Thus, on the one hand, the respondent has denied the petitioner to be the owner of the tenanted premises while on the other hand, he has taken resort to the plea of adverse possession. As stated before, the plea of adverse possession can only be taken against the true owner and hence the averments of the respondent are contradictory in nature. Moreover, it is relevant to note that the predecessor-in-interest of the respondent, was tenant of Nathu Mal and therefore, status of respondent is also that of a tenant. **Hence, the respondent being a successor of erstwhile tenant, the principle of once a tenant always a tenant comes into a play. The respondent cannot take the***



plea of adverse possession and claim ownership over the tenanted premises simply on the ground that they had been in possession of the tenanted premises for the past many years.”

15. *This Court is in conformity with the aforesaid findings rendered by the learned ARC in meeting with the very submissions sought to be raised by the petitioner once again before this Court by way of the present revision petition.*

16. *In view thereof, this is hardly any reason for this Court to interfere with the well-reasoned impugned order passed by the learned ARC, much less while exercising revisional jurisdiction. Ergo, the present petition is liable to be set aside and the impugned order upheld.”*

2. Thereafter, vide the very same order dated 22.12.2025, the learned counsel for the tenant was granted liberty to seek instruction as under:-

“17. However, at this stage, learned counsel for the tenant seeks, and is granted, a period of two weeks to seek instructions qua the feasible time period within which the tenant would vacate the subject premises and hand over the possession thereof to the landlord, along with the terms of payment qua user and occupation charges for the aforesaid period before the next date of hearing.”

3. Whereafter, and contrary thereto, when the present petition was listed before the Roster Bench on 19.02.2026, the petitioner wanted to re-argue the matter.

4. Today, despite the tenant being present in Court, learned counsel for the tenant submits that he has no instructions *qua* the feasible time for vacation of the property as also the user and occupation charges, which the tenant is willing to pay.

5. Considering the lapse of two months and in view of the detailed order passed by this Court on 22.12.2025, there is no reason for this Court



to accede to the request of permitting learned counsel for the tenant to reargue the present petition.

6. As such, the present petition is dismissed.

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7. In view of the earlier order dated 22.12.2025 as also the aforesaid order, the present application by the tenant whereby he seeks to place on record certain rent receipts, demonstrating difference in signature of the landlord, is not maintainable.

8. The same is thus dismissed.

SAURABH BANERJEE, J

FEBRUARY 27, 2026/NA