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

Date of decision: 17.08.2026

CNR No. DLHC010330892026

+ **RC.REV. 248/2026, CM APPL. 47849/2026 (Ex. From filing the certified copies of the annexures) & CM APPL. 47850/2026 (Stay)**

DR ABINASH CHANDER SAREENPetitioner

Through: **Mr. Pawan Kumar Sharma,**
Advocate.

versus

SAURABH JAINRespondent

Through:

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **JUDGEMENT (Oral)**

1. The present Rent Revision Petition has been filed under Section 25-B(8) of the Delhi Rent Control Act, 1958 seeking to set aside the **Order dated 06.05.2026¹** passed by the learned Rent Controller (Shahdara), Karkardooma Courts, Delhi in **Review Application No. Misc RC/ARC 11/2022²** and the **Order dated 18.08.2022³** passed in in **Eviction Petition RC/ARC No. 230/2018⁴** titled as “*Dr. Abinash*

¹ Order dismissing Review Application

² Review Application

³ Order granting leave to defend

⁴ Eviction Petition



Chander Sareen v. Sudha Jain” by which the Respondent was permitted to contest the petition and leave to defend was permitted.

2. Learned counsel appearing on behalf of the Petitioner submits that the learned ARC, while granting leave to defend, proceeded on the premise that the Respondent’s plea regarding alternative accommodation had not been “*refuted*”, whereas the learned ARC, while dealing with the Review Application, observed that the since the plea of alternative accommodation had not been “*specifically refuted*”, the Order granting the leave to defend was not liable to be set aside.

3. Learned counsel submits that the aforesaid distinction assumes significance as the issue of availability of alternative accommodation constitutes a material ingredient in a petition under Section 14(1)(e) of the DRC Act. It is submitted that once the original Order granting leave to defend proceeded on an erroneous understanding of the pleadings, the learned ARC ought to have corrected the same in exercise of its review jurisdiction.

4. It is, therefore, submitted that the learned ARC erred in declining to review the Order granting leave to defend dated 18.08.2022 and that the same ought to be recalled.

5. This Court has heard learned counsel for the Petitioner and is of the view that the contentions of the Petitioner are hyper-technical in nature.

6. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioners, 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.



7. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*⁵, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁶, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁷, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

8. 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.*⁸, and *Sanjeev Hiranandani v. Sunny Grover*⁹.

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

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



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.”

10. 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/RC. 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.

11. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25B(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 Orders suffer from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC/RC is wholly unreasonable or founded upon an erroneous premise of law.



12. In the present case, the learned ARC has merely permitted the Respondent to contest the Eviction Petition by granting leave to defend. The grant of such leave does not amount to an adjudication upon the merits of the defence sought to be raised by the Respondent, nor does it foreclose the Petitioner from contesting the same during the course of trial. The Petitioner would, therefore, have full opportunity to address the issues raised in the present Revision before the learned Trial Court in accordance with law.

13. The grievance of the Petitioner, as noted hereinbefore, essentially rests upon the distinction between the expressions “*not refuted*” and “*not specifically refuted*” employed in the Impugned Orders. In the considered view of this Court, such distinction, though use of similar terminology, does not disclose any error apparent on the face of the record or any infirmity in the exercise of jurisdiction by the learned ARC warranting interference under the proviso to Section 25-B(8) of the DRC Act.

14. Therefore, this Court is of the considered view that the plea taken by the learned counsel for the Petitioner is hyper-technical. More importantly, the grant of leave to defend has only the effect of permitting the Respondent to contest the Eviction Petition. The substantive rights and rival claims of the parties remain to be adjudicated by the learned Trial Court upon the parties being afforded an opportunity to lead evidence.

15. This Court, therefore, finds no justification to interfere with the Impugned Orders, particularly having regard to the limited scope of revisional jurisdiction available under Section 25-B(8) of the DRC Act.



16. Accordingly, no ground for interference is made out. The present Petition stands dismissed.

17. Needless to state, nothing contained in the present Order shall be construed as an expression of opinion on the merits of the Eviction Petition or the respective defences of the parties. The learned Trial Court shall adjudicate the matter independently and in accordance with law, uninfluenced by any observation contained herein.

18. The present Petition, along with all pending Application(s), if any, is disposed of in aforementioned terms.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 17, 2026/v/DJ