

**IN THE COURT OF MS. ANJU BAJAJ CHANDNA
PRINCIPAL DISTRICT & SESSIONS JUDGE
CENTRAL DISTRICT : TIS HAZARI COURTS : DELHI**

**CNR No. DLCT010-18357-2025
RCT 134/2025**

Gurpreet Singh

S/o Late Sh.Pritam Singh
R/o F-67, Radio Colony
Kingsway Camp, Delhi-110009

Also At:-

Shop NO.7, Gokhale Market
Delhi-110054

...Appellant

Versus

1. **Sh.Surinder Pal Singh**

S/o Late Sh.Pritam Singh
R/o 413, DDA Flat
New Ranjeet Nagar,
Delhi-110008

2. **Jitender Kumar Goomber**

S/o Late Sh.Kewal Krishan
R/o H-15, Ashok Vihar, Delhi-110052
Also at: Shop No.7, Gokhale Market
Delhi-110054

...Respondent

Date of institution : 28.11.2025
Arguments heard on : 20.07.2026
Date of pronouncement : 20.07.2026

Appearance:

Ms. Apurva Nagpal, Ld. Counsel for
appellant.

Sh.Satish Sahai,Ld. Counsel for respondent
no.1 along with respondent no.1 in person.

Sh.Naveen Kumar, Ld. Counsel for respondent no.2.

ORDER :

1. The present appeal arises out of the order dated 25.09.2025 whereby Ld. ARC dismissed the objections filed by objector Gurpreet Singh (appellant herein) in the execution proceedings with the observations that objections are re-agitation of the very same issues raised by tenant (judgment debtor) during the trial of the eviction petition. After dismissing the objections, Ld. ARC issued warrants of possession against tenant (JD) in respect of tenanted premises i.e. shop no.7. Gokhale Market, Delhi-110054.

2. The relevant facts of the case are that landlord Surinder Pal Singh (respondent no.1 herein) filed a petition for eviction under Section 41 (e) read with Section 25B of Delhi Rent Control Act 1958 against tenant Jitender Kumar Goomber (respondent no.2 herein). The said eviction petition was allowed vide judgment dated 07.03.2023 in favour of landlord. The eviction order dated 07.03.2023 was challenged before High Court of Delhi by tenant (respondent no.2 herein) and same was dismissed vide order dated 10.09.2025. During the execution proceedings, objections were filed by objector Gurpreet Singh (appellant herein) and same were dismissed. The said order is subject matter of the present appeal.

3. Ld. Counsel for appellant submitted that the objector is claiming independent right over the tenanted premises as he

claims ownership by way of adverse possession. It is also claimed that rent was being paid by the tenant to the objector. The contentions raised by objector need to be decided on merits.

4. Ld. Counsel for landlord / decree holder (respondent no.1) submitted that eviction order 07.03.2023 has already been executed and possession of the tenanted premises has already been taken over by respondent no.1. Ld. Counsel further submitted that objector Gurpreet Singh s/o Late Pritam Singh even appeared as RW-3 during the proceedings of the eviction petition. In fact, tenant is challenging the eviction order in the execution through the objector in collusion and the Judgment of High Court of Delhi, titled '**Mohd. Arshad & Ors vs Syed Mohd. Yahaya Nizami**', CM (M) 661/2022 dated 15.10.2024 is applicable and objections are not maintainable.

5. On behalf of tenant (respondent no.2 herein), it has been argued that objector / appellant is the owner of the premises and rent was also being paid to him. The appeal preferred by appellant needs to be decided on merits and the eviction order dated 07.03.2023 is liable to be set aside.

6. After giving due consideration to the nature of facts and circumstances of the case, sequence of events and nature of impugned order dated 25.09.2025, I am of the opinion that present appeal is not maintainable by virtue of judgment of Delhi High Court **Mohd. Arshad & Ors.** (*supra*) wherein the

objections were filed by the tenant as against the eviction order and order of issuance of warrants of attachment to which the court held in the following manner:-

2. The short question posed in the present petition is whether the tenants ought to have filed a revision against order dated 10.03.2022 passed by the learned Addition Rent Controller or whether appeal filed by them under Section 38 of Delhi Rent Control Act, 1958 (hereinafter referred to as “DRC Act”) was maintainable.

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5. Landlord had filed a petition seeking eviction of their tenants from the tenanted premises on the ground of bonafide requirement. Such eviction petition filed under Section 14(1)(e) read with Section 25-B of DRC Act was instituted way back in the year 2012. The tenants sought leave to defend which was, initially, allowed by the learned Rent Controller. However, feeling aggrieved, the landlord knocked the doors of this Court and vide order dated 14.02.2017, passed by this Court in CM(M) 1007/2016, said order, granting leave to defend, was set aside and, resultantly, an eviction order was passed against the tenants.

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7. However, when an execution petition was instituted for getting back the possession of the tenanted

premises, the tenants filed objection and their such objection petition has been dismissed by the learned Rent Controller vide order dated 10.03.2022. While dismissing the above said objection petition, the learned Additional Rent Controller also directed issuance of warrants of possession against the tenants with permission to break open the lock, doors and windows.

8. The tenants challenged the above said order dated 10.03.2022 by filing an appeal before learned Rent Control Tribunal under Section 38 of DRC Act.

9. However, such appeal has been dismissed on the ground of maintainability as the learned Tribunal held that in view of the statutory bar contained under Section 25B(8) of DRC Act, such appeal could not have been filed.

10. Such order dated 01.07.2022 is under challenge.

11. I may reiterate that the question to be adjudicated is to assess the remedy available to any such tenant-whether an appeal under Section 38 of DRC Act would lie or whether, in view of bar provided under Section 25B(8) of DRC Act, only a revision is competent.

12. The merits or demerits of the objection filed by the tenants are not to be gone into, at the moment.

13. Admittedly, as per Section 14(1)(e) of DRC Act, any tenanted premises which are required bonafide by landlord for himself or for any member of his family

dependent on him, eviction can be sought.

14. A summary procedure was introduced in DRC Act and by virtue of Act 18 of 1976, Chapter IIIA was inserted in DRC Act.

15. Such Chapter IIIA reads as under:-

“25A. Provisions of this Chapter to have overriding effect.—The provisions of this Chapter or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained elsewhere in this Act or in any other law for the time being in force.

25B. Special procedure for the disposal of applications for eviction on the ground of bona fide requirement.— (1) Every application by a landlord for the recovery of possession of any premises on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14-A or under Section 14-B or under Section 14-C or under Section 14-D shall be dealt with in accordance with the procedure specified in this section.

(2) The Controller shall issue summons, in relation to every application referred to in sub-section (1), in the form specified in the Third Schedule.

(3) (a) The Controller shall, in addition to, and

simultaneously with, the issue of summons for service on the tenant, also direct the summons to be served by registered post, acknowledgment due, addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the circumstances of the case so require, also direct the publication of the summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carried on business or personally worked for gain.

(b) When an acknowledgment purporting to be signed by the tenant or his agent is received by the Controller or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent had refused to take delivery of the registered article, the Controller may declare that there has been a valid service of summons.

(4) The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) in the form specified in the Third Schedule shall not contest the prayer for eviction

from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.

(5) The Controller shall give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for the recovery of possession of the premises on the ground specified in clause (c) of the proviso to sub-section (1) of section 14, or under section 14A.

(6) Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing of the application as early as practicable.

(7) Notwithstanding anything contained in sub-section (2) of section 37 the Controller shall, while holding an inquiry in a proceeding to which this Chapter applies, follow the practice and procedure of a Court of Small Causes, including the recording of evidence.

(8) No appeal or second appeal shall lie against an order for the recovery of possession of any premises made by the Controller in accordance with the procedure specified in this section: Provided that the High Court may, for the purpose of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.

(9) Where no application has been made to the High Court on revision, the Controller may exercise the powers of review in accordance with the provisions of Order XLVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

(10) Save as otherwise provided in this Chapter, the procedure for the disposal of an application for eviction on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A, shall be the same as the procedure for the disposal of applications by Controllers.

25C. Act to have effect in a modified form in relation to certain persons.—(1) Nothing contained in sub-section (6) of section 14 shall apply to a landlord who, being a person in

occupation of any residential premises allotted to him by the Central Government or any local authority is required by or in pursuance of, an order made by that Government or authority to vacate such residential accommodation, or, in default, to incur certain obligations, or the ground that he owns a residential accommodation either in his own name or in the name of his wife or dependent child in the Union territory of Delhi.

(2) In the case of a landlord who, being a person of the category specified in sub-section (1), has obtained, on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A, an order for the eviction of a tenant from any premises, the provisions of subsection (7) of section 14 shall have effect as if for the words “six months”, occurring therein, the words “two months” were substituted.”

16. Section 38 of DRC Act, which provides for appeal to the Tribunal, reads as under: -

*“38. **Appeal to the Tribunal.**—(1) An appeal shall lie from every order of the Controller made under this Act only on questions of law to the Rent Control Tribunal (hereinafter referred to as the Tribunal) consisting of one person only to be appointed by the Central Government by*

notification in the Official Gazette:

Provided that no appeal shall lie from an order of the Controller made under section 21.

(2) An appeal under sub-section (1) shall be preferred within thirty days from the date of the order made by the Controller: Provided that the Tribunal may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) The Tribunal shall have all the power vested in a court under the Code of Civil Procedure, 1908 (5 of 1908), when hearing an appeal.

(4) Without prejudice to the provisions of sub-section (3), the Tribunal may, on an application made to it or otherwise, by order transfer any proceeding pending before any Controller or additional Controller to another Controller or additional Controller and the Controller or additional Controller to whom the proceeding is so transferred may, subject to any special directions in the order of transfer, dispose of the proceeding.

(5) A person shall not be qualified for appointment to the Tribunal, unless he is, or has been, a district judge or has for at least ten years

held a judicial office in India.”

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55. After carefully delving on all the attendant facts and circumstances and in view of foregoing discussion and while ensuring utmost care and abundant caution in interpreting the relevant statutory provisions, the picture which emerges out goes on to suggest that right to appeal is not available to the tenants herein as the above bar given under proviso attached to section 25B (8) of DRC Act continues to exist in context of the proceedings herein. The order in question, even if not actually an order of eviction, has all the shades and trappings of eviction order, as it even directs issuance of warrant of possession. Such interpretation seems not only rational but also purposive one, in complete synchronization with the legislative intention.

56. The remedial procedure prescribed for challenging any order of eviction is, admittedly, an accelerated one and, therefore, it will be incomprehensible to hold that the remedial procedure for any such order passed in execution thereof should be any different. Any interpretation, to the contrary, would, manifestly, mitigate against the legislative intention behind introduction of swift procedure for such like eviction petitions.

57. Resultantly, the petition is dismissed.

7. Coming to the case in hand, firstly the present appeal has become infrutuous as possession of the tenanted premises has already been taken over by the landlord (respondent no.1) in the execution proceedings. Secondly, the impugned order dated 25.09.2025 cannot be challenged by way of appeal before this tribunal by virtue of bar created under Section 25 B (8) Delhi Rent Control Act as in essence eviction order is being challenged under the present appeal. It is important to note that objector himself appeared during the proceedings of eviction petition as RW-3 on behalf of tenant and his contention raised in his testimony were duly considered. Ld. ARC rightly observed that same issue cannot be re-agitated by filing the objections.

8. Be that as it may, present appeal is not maintainable and same is accordingly dismissed.

9. Copy of this order along with record be sent to the trial court.

10. Appeal file be consigned to the record room.

(Anju Bajaj Chandna)
Principal District & Sessions Judge
Central District, Tis Hazari Courts
Delhi / 20.07.2026