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

+ RSA 55/2026, CM APPL. 18801/2026

CM APPL. 18802/2026

SH JAGPAL SINGH

.....Appellant

Through: Mr. Anil Kumar Jangra, Advocate.

versus

SMT REETU TYAGI

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% 25.03.2026

CM APPL. 18803/2026 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

RSA 55/2026

3. Regular Second Appeal under Section 100 CPC has been filed on behalf of the Appellant for setting aside the Judgment dated 24.12.2025, whereby the learned District Judge in the Regular First Appeal, has upheld the Order of learned Civil Judge dated 26.05.2023 whereby a **Decree of Possession and Arrears of Rent, has been passed against the Appellant.**
4. The ***brief facts*** are that the Respondent Plaintiff filed a Civil Suit No.625/2020 for Recovery of Possession, Arrears of Rent and Damages on 14.09.2020 before the learned Civil Judge, Delhi in respect of property bearing No.A-57, Gali No.2, Indra Niketan, North Chhajupur, Delhi. It was



claimed that the Appellant had been inducted as a tenant under a written Lease Deed dated 19.03.2020, at a monthly rent of Rs.7,000/-.

5. The **Defendant/Appellant in his Written Statement** took a defense that he had taken the tenanted premises on a oral tenancy on 28.04.2020, at a monthly rent of Rs.2,500/-, exclusive of water and electricity charges. He had also paid a refundable security of Rs.75,000/- in the presence of Shiv Kumar and Ms. Arti. He denied the execution of written Rent Agreement. It was further stated that the rent up to June, 2020 had been duly paid to the Plaintiff and that there were no arrears outstanding. It was claimed that the Plaintiff had misused the photograph and identity documents and had obtained the Police Verification, in order to forge and fabricate the Lease Deed dated 19.03.2020.

6. The **Issues** were framed by the learned Civil Judge on 18.07.2022 as under :

- (i) Whether the plaintiff is entitled to the decree of possession, as prayed for? OPP
 - (ii) Whether the plaintiff is entitled to recover the rent from the defendant, as prayed for? OPP
 - (iii) Whether the plaintiff is entitled to the decree of damages, as prayed for? OPP
 - (iv) Relief.
7. The Plaintiff examined **PW1 Smt. Reetu Tyagi** to prove her case.
8. Defendant/appellant examined **DW1 Sh. Jagpal Singh** in support of his case.
9. The **learned Civil Judge** on appreciation of evidence, concluded that the Appellant had been inducted as a tenant, on a monthly rent of Rs.7,000/-.



The tenancy stood terminated vide Notice dated 07.07.2022. Hence, it was held that the Plaintiff was **entitled to recovery of Possession**.

10. It was further decided that the Plaintiff was entitled to arrears of rent amounting to Rs.35,000/- from the Defendant, for the period 20.04.2020 till 20.09.2020. it was further held that the Plaintiff was entitled to Mesne Profits @ Rs.7,500/- per month from 07.07.2020 till the date of delivery of Possession.

11. A **RCA (DJ) No.90/2025** was filed by the Defendant/Appellant against the Judgment, but the findings of the learned Trial Court were upheld and the Appeal was dismissed.

12. Aggrieved by the said Judgment, the present Regular Second Appal has been preferred.

13. The **Substantial Question of Law** raised in the Appeal is that :

(i) Whether an unregistered Lease Deed for a period of two years can create a legally enforceable fixed-term tenancy in view of Section 107 of the TP Act?

(ii) Whether the Lease Deed required compulsorily registration under Section 17 Registration Act read with Section 107 TP Act can be relied upon to determine the rate of rent?

(iii) Whether the rate of rent constitutes a collateral purpose under Section 49 Registration Act?

(iv) Whether the mesne profits can be awarded without any evidence of prevailing market rent?

(v) Whether the burden of proving the disputed document was improperly shifted upon the defendant?



14. It is thus, contended that impugned Judgment suffers from legal misapplication of law and therefore, the Judgment of learned Civil Judge as well as of the learned District Judge be set aside.

15. **Learned counsel for the Appellant** submits that the Possession of the property has been handed over on 20.10.2023 and the Execution is now pending for recovery of arrears of rent/mesne profits. It is further asserted that the Lease Deed does not bear the signatures of the Appellant and was not proved by the Respondent and thus, could not have been made a basis for Decree of Possession against the Appellant.

Submissions heard and record perused.

16. The learned Trial Court in detail considered the rival contentions of the parties in respect of the Lease Deed created in favour of the Appellant in the Suit property. It had been categorically observed that the Appellant was inducted as a tenant in the Suit premises, a fact which is also admitted by the Appellant. The learned Trial Court as well as the learned District Judge, has in-depth considered the evidence to determine not only the arrears of rent, but also the mesne profits.

17. Essentially, the challenge is only to the facts and no Substantial Question of Law is raised in the present Appeal. There is no merit in the Appeal, which is hereby, dismissed.

18. The Appeal stands disposed of along with the pending Applications.

NEENA BANSAL KRISHNA, J

MARCH 25, 2026/va