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

+ RC.REV. 154/2025

CHANDER PRAKASH

.....Petitioner

Through: Mr. Annirudh Sharma, Ms. Harshita Gulati and Mr. Abhishek Maheshwari, Advocates.

versus

RAJESH KUMAR GARG

.....Respondent

Through: Mr. Raj Kishore Garg, Advocate through VC

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

09.10.2025

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CM APPL. 29176/2025 (for exemption)

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

RC.REV. 154/2025, CM APPL. 29175/2025, CM APPL. 54952/2025

3. By virtue of the present petition, the petitioner/ tenant seeks setting aside of the judgment dated 06.03.2025 (*impugned judgement*) passed by the learned Additional Rent Controller, Central District, Tis Hazari Courts, New Delhi (*learned ARC*) in RC ARC No.391/24 titled "*Rajesh Kumar Garg v. Chander Prakash*".

4. It is primarily the case of the tenant that the learned ARC has erred in passing the impugned judgment *ex parte*, when service was in fact never effected upon the tenant. To that effect, learned counsel for the tenant submits that though the eviction petition was filed by the



respondent/ landlord *qua* the premises being 78, Model Basti, Delhi (*subject premises*), no service was effected upon the subject premises, despite the landlord having himself filed photographs of the subject premises wherein as many as two mobile numbers of the tenant were visible.

5. *Qua* the address provided by the landlord in the eviction petition where the service was purportedly effected, learned counsel submits that it was evident from the Report dated 13.11.2024 of the Process Server that there was only a certain lady allegedly present at the said address, and that the tenant himself was not present there, and in fact, does not reside there.

6. Based on the above, learned counsel submits that the same was bereft of the details, especially since the name of the lady allegedly present at the address was missing. As such, the aforesaid Report, being doubtful, could not have been relied upon, and the service could not have been considered as 'due and proper'.

7. Learned counsel further submits that, for the sake of argument, even if the service is deemed to have been effected, at best, the same was upon the daughter-in-law of the tenant, and, as per him, could not have been considered by the learned ARC, particularly in light of what has been held by this Court in the judgment titled *Kanta Thapar v. Brij Nandan* [2011 SCC OnLine Del 4113], the relevant portion whereof is reproduced as under:

"4. In the present case the summons of eviction petition were admittedly not served personally upon the petitioner-tenant. No summons were sent to the petitioner by registered post, as is mandatory under Section 25(3)(a) of the Act. In any event, service of summons on the daughter-in-law of the petitioner could not be considered to be a valid service. In this regard, useful reference can



be made to a judgment of this Court in the case of " Subhash Anand v. Krishan Lal", 27 (1985) Delhi Law Times 269 wherein the service of summons upon the wife of the tenant was not accepted by this Court to be a valid service."

(emphasis supplied)

8. Learned counsel also relied upon the decision of this Court in ***Shri Subhash Anand v. Sh. Krishan Lal and Another*** [1985 SCC OnLine Del 23] where *qua* the aspect of personal service upon a tenant, it has been similarly observed as under:

*"10. It will be noticed that no summons were either taken out or directed by the Controller to be served on any agent of the tenant empowered to accept service of summons. The provisions of Sub Section 3(a) and 3(b) read together contemplate that the summons sent by registered post acknowledgment due have to be addressed to the tenant or his agent empowered to accept service. **The summons which are not addressed to the agent of the tenant empowered in this behalf are not to be served on the agent. It is only the summons addressed to the agent of the tenant empowered to accept the service, which may be served on such agent. Merely because Neelam Anand who is wife of the tenant, accepts registered letter containing summons sent to her husband, it does not mean that the summons were addressed to her as an agent empowered in this behalf within the meaning of sub-section (3)(a) and they were accepted.**"*

(emphasis supplied)

9. Issue notice.

10. Learned counsel for the landlord accepts notice. He submits that the subject premises has been lying locked since and from the past 10 years, especially as per the knowledge of the brother of the landlord operating in the adjoining portion of the subject premises, and so, there was no occasion for the landlord to effect service on the subject premises, or effect service on the two mobile numbers displayed thereupon.

11. Learned counsel for the parties seek, and are granted, a period of six weeks to file their respective written synopsis not exceeding *five* pages, giving a chronological list of dates and events and relevant documents, if



any, alongwith duly highlighted judgments setting out the propositions of law therein, they wish to rely upon, instead of filing their respective reply/rejoinder.

12. At this stage, learned counsel for the landlord submits that the landlord has not filed any execution proceedings *qua* the impugned judgement till date, and without prejudice to his rights and contentions, shall not initiate any such proceedings seeking execution thereof till the next date of hearing

13. Accordingly, renotify on 20.01.2026.

SAURABH BANERJEE, J

OCTOBER 9, 2025/So