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

+ RC.REV. 192/2025

MST NAZMA BEGUM AND ORS .....Petitioners

Through: Ms. Shalini Kapoor, Ms. Divyanshi Saxena and Mr. Udit Bhatiani, Advocates.

versus

HINA PARVEEN AND ANR. ....Respondents

Through: Mr. Rajat Aneja and Mr. Utkarsh Mishra, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

% **07.07.2025**

**CM APPL. 39216/2025 (exemption)**

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

**RC.REV. 192/2025 & CM APPL. 39215/2025 (stay)**

By way of the present revision petition filed under section 25-B(8) of the Delhi Rent Control Act 1958 ('DRC Act'), the petitioners impugn judgment and decree dated 20.11.2024 passed by the learned ARC-02 (Central), Tis Hazari Courts, Delhi in suit bearing RC ARC No.217/2021; and setting-aside of order dated 03.07.2025 passed by the learned ARC-02 (Central), Tis Hazari Courts, Delhi in Misc RC ARC No.55/25.

2. Ms. Shalini Kapoor, learned counsel appearing for the petitioners submits, that as can be seen from a perusal of the eviction petition, the respondents admit that they acquired title to the demised premises by



way of an Oral Gift (*hiba*) that was made by their mother, Mst. Shaheen Parveen, in their favour on dated 22.05.2017. Counsel submits that the gift was also subsequently confirmed by Mst. Shaheen Parveen by executing a registered deed of declaration dated 16.10.2017 in favour of the respondents.

3. Ms. Kapoor submits however, that the eviction petition was filed on 17.08.2021, that is less than 04 years after the respondents acquired title to the subject property, which petition was therefore barred by section 14(6) of the DRC Act, having been filed before the expiration of the 05-year period provided in that section. In support of her submission Ms. Kapoor places reliance on the judgment of a Coordinate Bench of this court in *Ashok Kumar and Ors. vs. Ram Avtar Gupta*.<sup>1</sup>
4. The submissions made are *prima-facie* supported by the documents on record.
5. Issue notice.
6. Mr. Rajat Aneja appears on behalf of the respondents; accepts notice; and seeks time to file reply.
7. Let reply to the revision petition and to CM APPL. 39215/2025 be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
8. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.

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<sup>1</sup> 2017 : DHC : 3478



9. Mr. Aneja argues that section 14(6) of the DRC Act does not stand in the way of an eviction petition being filed by a person who had any *pre-existing vestige of a right* in the property. In the present case, counsel submits, that the respondents would have inherited the subject property from their mother in any case; and that therefore, they did not acquire rights to the property for the first time only by way of the *hiba*.
10. It is open to question whether the respondents at all had any *right to inherit* their mother's property; and whether this so-called right would make the bar under section 14(6) of the DRC Act inapplicable. That apart, it is seen that in the deed of declaration executed by the mother in favour of the respondents, she avers that she was the *absolute* and lawful owner of the subject property. It requires no articulation that during the mother's lifetime, the respondents would have had no right in the subject property, and such right only came to them upon making of the *hiba* in their favour.
11. Re-notify on 24<sup>th</sup> September 2025 before the learned Joint-Registrar for completion of pleadings.
12. List before court thereafter.
13. On a *prima-facie* view of the matter, based on the record and in view of the submissions made, the effect and operation of judgment and decree dated 20.11.2024 passed by the learned ARC-02 (Central), Tis Hazari Courts, Delhi shall remain *stayed*, till the next date of hearing before this court.

**ANUP JAIRAM BHAMBHANI, J**

**JULY 7, 2025/ak**