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

+ RC.REV. 201/2025

SURAJ PRAKASH

....Petitioner

Through: Mr. Vikram Aggarwal and Mr. Aniket  
Goyal, Advocates.

versus

RAJESH KUMAR GARG

.....Respondent

Through:

**CORAM:**

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

**ORDER**

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**11.07.2025**

**CM APPL. 40580/2025 (exemption)**

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

**CM APPL. 40581/2025 (for condonation of delay in filing the appeal)**

By way of the present application filed under section 5 of the Limitation Act 1963, the appellant seeks condonation of about 02 days' delay in *filing* the regular first appeal.

2. For the reasons stated in the application, which is duly supported by affidavit, the delay is condoned.
3. The application is allowed and disposed-of.
4. The appeal is taken on Board.

**RC.REV. 201/2025**

**CM APPL. 40579/2025 (stay)**

5. By way of the present petition filed under section 25-B (8) of the Delhi Rent Control Act 1958, the petitioner impugns order dated



06.03.2025 passed by the learned Additional Rent Controller, Central District, Tis Hazari Courts, Delhi in Eviction Petition No. 390/2024.

6. Issue notice.
7. Upon the petitioner taking steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.
8. Let the notice indicate that replies to the revision petition and the application be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
9. Mr. Vikram Aggarwal, learned counsel appearing for the petitioner submits, that the entire proceedings have been conducted *ex-parte*. He argues that the petitioner/tenant was unable to file a leave-to-defend application since he was never served.
10. Mr. Aggarwal draws attention to the impugned eviction order, which records in para 2 that the first report of the Process Server says that an attempt was made to serve summons on 04.10.2024 and that the petitioner's son, Mr. Shivam, refused to accept the summons. Counsel submits that the petitioner has no son by the name of Mr. Shivam.
11. It is further pointed-out, that thereafter the learned Rent Controller records in para 3 that the summons were subsequently served by *affixation* on the subject premises. The report of the Process Server, a copy of which is appended as Annexure-E to the petition, simply records that the summons had been affixed, without any photographs having been placed before the court in evidence of affixation.
12. That apart, counsel argues that under section 25-B of the Delhi Rent Control Act 1958 ('DRC Act'), service upon a tenant *cannot be*



*effected by way of affixation*; and the only permissible mode of service is by *publication*, as contemplated under section 25-B(3)(a) of the DRC Act. Counsel cites a judgement of Co-ordinate Bench in *Dharam Pal vs. Meena Sharma*<sup>1</sup> in support of this submission.

13. Let the trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
14. Re-notify on 16<sup>th</sup> October 2025.
15. On a *prima-facie* view of the matter, based on the record and in view of the submissions made and the judicial precedent relied on, the effect and operation of the eviction order dated 06.03.2025 shall remain *stayed*, till the next date of hearing, before this court.

**ANUP JAIRAM BHAMBHANI, J**

**JULY 11, 2025**

*V.Rawat*

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<sup>1</sup> 2011 SCC OnLine Del