$~56

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

\+ RC.REV. 410/2025

VIJAY KUMAR GUPTA & ORS. .....Petitioners

Through: Mr. Shahid Ali, Mr. Samer Tayyeb, Mr. Mohd. Salman, Mr. Yatin Khanna, Mr. Ahmad Saeed and Mr. Monis Rais, Advs. alongwith petitioner no.1 in person.

versus

RAJNIKANT GOEL .....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

O R D E R

% 19.12.2025

CM APPL. 80767/2025 *(For exemption)*

1. Allowed, subject to all just exceptions.

2. The application is disposed of.

CM APPL. 80766/2025 *(Delay 5 days in re-filing)*

3. By virtue of the present application, the petitioners/ tenants seek condonation of a delay of five days in re-filing the present petition.

4. Taking into account the period for which condonation of delay is sought, and for the reasons stated therein, the present application is allowed.

5. The application is disposed of.

RC.REV. 410/2025, CM APPL. 80765/2025 *(Stay)*

6. By virtue of the present petition, the petitioners/ tenants seek setting

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 22/12/2025 at 12:46:09

aside of the order dated 27.09.2025 (***impugned order***) passed by the learned Rent Controller, South-East District, Saket Courts, New Delhi (***learned RC***) in RC ARC No.02/2024 filed by the respondent/ landlord under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958 (***DRC Act***), amongst other ancillary reliefs.

7. Though the tenants have raised various grounds in the present petition, learned counsel for the tenants has primarily argued on the aspect of maintainability of the Eviction Petition before the learned RC. For this, he draws the attention of this Court to *paragraph no.18(a)* of the Eviction Petition filed by the landlord wherein he has categorically stated as under:-

> *"That on 17.04.1961 the uncle (i.e. Lt. Sh. Shyam Lal) and father (i.e. Lt. Sh. Jawahar Lal) of the petitioner* ***let an open plot*** *bearing Khasra no. 381 (now known as property no. 15, Bhogal Road, Bhogal, Jangpura, New Delhi 110014 hereinafter referred as 'subject property') admeasuring 169 Sq. Yards to the respondents father (i.e. Sh. Mahender Pal Gupta, now deceased) on a monthly rent of Rs.80/- for carrying on the business of sale and purchase of coal and fire wood (i.e. commercial purpose)."*

8. In view thereof, learned counsel submits that since what was let out to the tenants was, admittedly, an 'open plot', the same was not within the definition of '*premises*' as per *Section 2(i)* of the DRC Act[1]. As such, he expresses that the provisions of the DRC Act is not applicable to the subject premises involved. He, thus, submits that the Eviction Petition was not maintainable before the learned RC.

---

[1] ***Section 2(i)*** *"premises" means any building or part of a building which is, or is intended to be, let separately for use as a residence or for commercial use or for any other purpose, and includes,—*
(i) the garden, grounds and outhouses, if any, appertaining to such building or part of the building;
(ii) any furniture supplied by the landlord for use in such building or part of the building;
but does not include a room in a hotel or lodging house;

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 22/12/2025 at 12:46:09

9. He submits that, despite the aforesaid, *vide* order dated 24.09.2025, i.e. barely three days before the passing of the impugned order, the learned RC rendered the findings *qua* maintainability thereof in favour of the landlord, by (wrongly) relying upon the judgment of the Hon'ble Supreme Court in ***Suryakumar Govindjee vs. Krishnammal and Ors.: (1990) 4 SSC 343***. Though the said order dated 24.09.2025 was also challenged by way of RC.REV.411/2025, and even though it was listed today, the same has been withdrawn with liberty to seek appropriate remedies in accordance with law.

10. Upon the tenants taking requisite steps within a period of *one week*, issue notice to the landlord by all permissible modes, returnable on 03.03.2026.

11. Considering the nature of the present proceedings, the parties are directed to file their respective written synopsis not exceeding *three 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 within a period of *four weeks*.

12. In view of the accompanying Site Plan, the (uncontroverted) assertions made by the landlord in *paragraph 8* of the Eviction Petition which clearly mention of a 'tin shed', as also there being no accompanying affidavit filed by the tenant along with his application seeking leave to defend filed before the learned RC, no stay of the impugned order is being granted by this Court at this stage.

13. Renotify on 03.03.2026.

SAURABH BANERJEE, J

DECEMBER 19, 2025/*bh*

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 22/12/2025 at 12:46:09