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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 16/2026 & CAV 16/2026, CM APPL. 2379/2026 Direction
, CM APPL. 2381/2026 Delay 22 days re filing
M/S GURBUX SINGH AND SONSPetitioners

Through: Mr. Kirtiman Singh, Sr. Adv. with Mr.
Mansimran Singh, Mr. Maulik
Khurana, Advs.

versus

YOGESH KAPOORRespondent
Through: Mr. Manish Vashisht, Sr. Adv. with
Mr. P.K. Rawal, Mr. Tarun Agarwal,
Mr. Vedansh Vashisht, Mr. Akhil
Singh, Mr. Vasu V. Prohit, M.r
Dipankar Agarwal, Mr. Dhananjay,
Advs.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **14.01.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 2380/2026 (Exemption)

2. Allowed, subject to all just exceptions. This application is allowed and disposed of.

RC.REV. 16/2026 & CAV 16/2026, CM APPL. 2379/2026(Direction),

CM APPL. 2381/2026(Delay of 22 days in re filing)

3. The present petition under Section 25B(8) of the Delhi Rent Control Act, 1958 seeks the following prayers: -

“1. Call for the records of eviction petition no. RC ARC No.693/2023 titled as 'Yogesh Kapoor and Drs. Vs. M/s Gurbux



Singh & Sons' decided on 01.07.2025 by the court of Ld. Additional Rent Controller -02 (Central) Tis Hazari Courts, Delhi;

2. Set aside and quash the final judgment and order dated 01.07.2025 passed by the court of Ld. Additional Rent Controller - 02 (Central) Tis Hazari Courts, Delhi in eviction petition no. RCARC No.693/2023 titled as 'Yogesh Kapoor and Ors. Vs. M/s Gurbux Singh & Sons' and consequent thereto be pleased to grant leave to contest/defend in favour of the Petitioner;

3. Award costs of this petition in favour to the Petitioner and against the Respondents;

4. Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

4. Learned Senior Counsel appearing on behalf of the petitioner draws attention of this Court to the following observations made in the impugned order dated 01.07.2025 by the learned ARC, which reads as under: -

“10.6 The petitioner admitted that the previous litigations were initiated in the name of Karta, Kunj Bihari Lal (HUF). It is also not denied that the tenancy was initiated by Kunj Bihari Lal HUF. However, the case of the petitioner is that after the death of Sh. Kunj Bihari Lal, The HUF was automatically dissolved and the petitioners became the co-owners of the property.

10.7 After perusal of rival submissions through affidavits, this court has found that there is no denial of the fact that the respondent is the tenant in the tenanted premises as the predecessors of the respondent were inducted by Kunj Bihari Lal (HUF). It is also not disputed that the petitioners are the legal heirs/ successors of Sh. Kunj Bihari Lal. The respondent has nowhere averred the HUF Kunj Bihari Lal is still in existence. If that so, then there cannot be dispute regarding the fact that as on date the petitioners are the owner/ landlords. All the documents relied upon by the petition to assert that it is the HUF which is the landlord pertains to the period when Sh. Kunj Bihari Lal was alive. Thus, this court is of the considered opinion that ownership of the petitioner and the landlord



tenant relationship between the petitioner and the respondent are not triable issues in the present case.”

5. Attention of this Court has been drawn to the status of Kunj Bihari Lal (HUF) as on 31.03.2025, demonstrating that the same is still in existence. It is thus submitted that the aforesaid finding by the learned ARC was clearly incorrect on account of the statement made on behalf of the respondents.
6. Issue notice.
7. Learned counsel appearing on behalf of the respondents accepts notice.
8. Response, if any, be filed before the next date of hearing.
9. Learned counsel appearing on behalf of the respondents submits that he will not press the execution proceedings till the next date of hearing.
10. In the meantime, the parties shall place on record relevant documents to ascertain the use and occupation charges to be paid by the petitioner. Till that time as an interim measure, the petitioner shall pay to the respondents a sum of Rs. 25,000/- per month from 01.01.2026 till the next date of hearing.
11. List on 24.03.2026.
12. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

JANUARY 14, 2026/kr/sg