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

+ **RC.REV. 49/2026**

RAM PRAKASH

.....Petitioner

Through: Mr. N.K. Agarwal & Mr. Piyush
Chhabra, Advocates.

versus

MANOJ KUMARI ALIAS MANJU

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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10.03.2026

1. This hearing has been done through hybrid mode.

CM APPL. 10342/2026 (exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CM APPL. 10343/2026 (delay)

3. The present application under Section 151 of the CPC seeks condonation of delay of 55 days in re-filing the captioned petition.

4. In view of the averments made in the application, the same is allowed and disposed of.

5. Delay of 55 days in re-filing the captioned petition is hereby condoned.

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

“a) To set aside the impugned judgment dated 17.10.2025 passed by the Hon’ble Court of Administrative Civil Judge/Additional Rent Controller, North-West District, Rohini courts, Delhi.



(b) Pass any other or further order in favor of the petitioner, which this Hon'ble Court deem fit and proper in the facts & circumstances of the case.”

7. *Vide* the impugned judgment dated 17.10.2025, learned ARC has passed the eviction order with respect to the property bearing no. Q-9/165 Mangolpuri, Delhi-83, thereby allowing the eviction petition filed on behalf of the respondent.

8. Learned counsel appearing on behalf of the petitioner submits that the learned ARC has erred in concluding that there was a landlord-tenant relationship between the petitioner and respondent.

9. It is submitted that, in the eviction petition, it was the case of the respondent that her father, namely, Vijay Kumar, had given the tenanted premises to his sister, Usha Rani, for residential purposes as a tenant. On the contrary, the stand of the petitioner was that the aforesaid plot alongwith adjoining plot bearing no. Q-9/166 Mangolpuri, Delhi-83, was allotted simultaneously to Vijay Kumar and father of the petitioner. Further, it is the case of the petitioner that the said premises were constructed with the consent of Vijay Kumar by the petitioner's father and he was staying in the said accommodation, and therefore, there was no landlord-tenant relationship. It is further submitted that no evidence has been placed on record to show that there was any tenancy between the respondent's father, *i.e.*, Vijay Kumar and the mother of the petitioner herein. It is also pointed out that there was no site plan placed on record on behalf of the respondent during the course of the trial. Learned counsel for the petitioner further draws attention of this Court to cross-examination of the respondent dated 19.01.2019 wherein, she had stated as under:-



“.....I had informed my lawyer at the time of filing of the present case that I want to let out this property in question to earn income after taking possession from the respondent.....”

10. Issue notice to respondent, on petitioner taking necessary steps, through all permissible modes, including electronic mail, if any, returnable on 05.08.2026.

AMIT SHARMA, J

MARCH 10, 2026/sn