



\$~53

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

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

RAM PRAKASH

.....Petitioner

Through: Mr. N.K. Aggarwal, Mr. Piyush Chabra, Ms. Riya and Ms. Amanpreet Kaur, Advocates.

versus

MANOJ KUMARI ALIAS MANJU

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **24.04.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 27333/2026 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of accordingly.

CM APPL. 27332/2026 (Stay)

3. The present application under Section 151 of the CPC filed by Bindu Chauhan, SPA holder and Daughter of the petitioner-Ram Prakash seeks the following prayers:

“• Stay the impugned judgment date 17.10.2025 passed by the Hon'ble court of Administrative civil judge/Additional rent controller, Northwest district, Rohini courts, Delhi in the case titled case titled Manoj Kumari@Manju v Ram Prakash, RC ARC no. 5385/2016.

• Pass any other order in the interest of justice and in favour of the applicant”



4. *Vide* order dated 10.03.2026, this Court had issued notice to the respondent/ non-applicant in the captioned petition after recording submissions of learned counsel for the petitioner/ applicant that the learned ARC has erred in concluding that there was a landlord-tenant relationship between the petitioner and respondent by observing as under: -

“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.....”

5. Issue notice to the respondent, on petitioner taking necessary steps, through all permissible modes, including electronic mail, if any, returnable for the next date of hearing.

6. List on date already fixed, *i.e.*, 05.08.2026.

7. In the meantime, the impugned judgment dated 17.10.2025 passed by the learned Administrative Civil Judge/Additional Rent Controller, North-West District, Rohini courts, Delhi, in RC ARC No. 5385/2016 shall remain



stayed till the next date of hearing.

8. Copy of the order be sent to learned Administrative Civil Judge/Additional Rent Controller, North-West District, Rohini courts, Delhi for necessary information and compliance.

9. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 24, 2026/sn/sg