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

+ **RC.REV. 54/2026 & CM APPL. 11945/2026 (stay)**

HARINDER PAL SINGH & ANR.

.....Petitioners

Through: Mr. Narender Singh Yadav, Mr. Girraj Singh Yadav and Mr. Mayank Kumar Singh, Advocates.

versus

RAJIV GUPTA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **29.04.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 11946/2026 (exemption), CM APPL. 11947/2026 (exemption) & CM APPL. 11997/2026 (exemption)

2. Allowed, subject to all just exceptions. The applications are disposed of.

CM APPL. 11948/2026 (condonation of delay 52 days in re-filing the present petition)

3. The present application under Section 151 of the CPC seeks condonation of delay of 52 days in re-filing the present petition.

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

5. Delay of 52 days in re-filing the present petition is condoned.

RC.REV. 54/2026 & CM APPL. 11945/2026 (stay)

6. The present petition under Section 25B(8) of the Delhi Rent Control



Act, 1958, seeks the following prayers: -

“(a) call for the records of the case arising out of RC ARC No. 658/2018, titled “Rajiv Gupta v. Harinder Pal Singh & Anr.”, from the Court of the learned CCJ-cum-Additional Rent Controller (Central), Tis Hazari Courts, Delhi;

(b) set aside the impugned judgment and eviction order dated 09.10.2025 passed by the learned CCJ-cum-Additional Rent Controller (Central), Tis Hazari Courts, Delhi in RC ARC No. 658/2018;

(c) grant leave to defend to the Petitioners in the eviction petition filed by the Respondent under Section 14(1)(e) read with Section 25-B of the Delhi Rent Control Act, 1958, and remand the matter to the learned Rent Controller for adjudication after full-fledged trial in accordance with law;

(d) stay the operation and execution of the impugned judgment and eviction order dated 09.10.2025 during the pendency of the present Civil Rent Control Revision;”

7. *Vide* the impugned judgment dated 09.10.2025, the learned ARC has dismissed the application seeking leave to defend filed at the instance of the petitioners.

8. Learned counsel for the petitioners draws attention of this Court to the following averments made in the application seeking leave to defend filed on their behalf: -

“11. That the respondents further submit that the property bearing no.16/165, H-Block, Bapa Nagar, Karol Bagh, Delhi is a big property consisting of 5 shops on the ground floor and the same property is built upto fourth floor, all the floor is given on rent to other tenants for commercial activity. **It is important to mention that the petitioner claim for evicting the said shop for his bonafide requirement is false and misleading because recently in month of June/July 2024, one vacant shop i.e. shop No. 1**



(which is adjacent to the shop of respondent no.1 &2) was recently rented out for mobile shop in the name of " Prem Telecom". I say that out of the five shops three shops are in possession of different tenants of the petitioner and the remaining one shop i.e. shop no.3 is in possession of the petitioner. No reason has been given as to why the said shops are not being used by the petitioner for their alleged requirement if at all though not admitted the petitioner require any space of their allege requirement. Thus, the alleged need of the petitioner is totally false and wrong.”

9. In reply to the same, the respondent/landlord had stated as under: -

“11. Para 11 of the application as states is wrong and is denied. It is correct that the property no.16/165, H-Block, Bapa Nagar, Karol Bagh, New Delhi built on an area of measuring about 60 square yards consists of five shops on the ground floor and built... up to fourth floor and all the upper floor have been given on rent by the petitioner to different tenants. **It is denied that in the month of June/July 2024 the petitioner had let out vacant shop no.1 which is situated adjacent to the tenanted shop to mobile shop in the name of "Prem Telecom" or that out of five shops, three shops are in possession of different tenants of the petitioner and remaining shop no.3 is in possession of the petitioner.** It is submitted that all the aforesaid facts are wrong and are denied. It is submitted that — was using shop no.1 for keeping goods of his wholesale and retail business of cosmetic goods, confectionery goods, cold drinks and all other general items under the name and style of M/s Singhal Traders. However after May, 2022 the petitioner had stopped doing wholesale business of the aforesaid items and has confined to retails business of sale of aforesaid items and as shop no.1 was not needed by the petitioner for his godown purposes so — at a rent of Rs.20,000/- per month. However, the said tenant before expiry of period of eleven month had vacated the said shop in the month of May, 2023 without informing the petitioner by giving possession of the same to Sh. Jayprakash Prasad Sah and as such the petitioner has accepted him as tenant in the said shop with effect — and Sh. Jayprakash Prasad Sah had started paying rent of the said shop to the petitioner at the rate of Rs.25000/- per month and at present the said tenant has been paying rent of the said shop no.1 to the petitioner at the rate of Rs.27,000/- per month. As



far as shop no.2 is concerned the same is the tenanted shop. In shop no.3 the petitioner had been doing his retail business of cosmetic goods, confectionery goods, cold drinks and all other general items under the name and style of — and — and which were got vacated by the petitioner for their bonafide requirements and the respondents have falsely alleged that the said shop are in possession of the different tenants of the petitioners. Thus, no space is available with the petitioner from where his wife could run her business and as such no triable issues has been raised by the respondents to contest the present petition and the alleged need of the petitioner is bonafide and genuine and the respondents are liable to be evicted from the tenanted shop.”

10. Attention of this Court has also been drawn towards the photographs of Shop no. 1 at the ground floor of the subject property to demonstrate that the same was in the occupation of “Prem Telecom”. It is pointed out that the aforesaid material has not been considered by the learned ARC while passing the impugned order herein. Relevant portion of the impugned order reads thus: -

“17. In the present application for leave to defend, it is contended by the respondents that in the property bearing No. 16/165, out of the five shops at the ground floor, three shops are in possession of different tenants of the petitioner and one shop i.e. shop no.3 is in possession of the petitioner. **It is further submitted that one vacant shop i.e. shop No.1 (which is adjacent to the shop of respondent no.1&2) has been recently rented out to a tenant.** Further, that the petitioner also has one property bearing No. 16/327, third floor, H-Block, Hardhayan Singh Road, Bapa Nagar, Karol Bagh, Delhi-110005, which has also been let-out on rent.

18. Perusal of petition shows that the petitioner has explained in the petition itself that in the said Shop No. 3 the petitioner has been running his business as wholesaler and retailer of sale of cosmetic goods, confectionery goods, cold drinks and other general items under the name and style of M/s Singhal Trader as sole proprietor



thereof. **Further, that the petitioner is also keeping goods of his business in the shop no.1 at ground floor since February, 2017.**

It is also explained in the petition that out of the five shops at the ground floor, his two sons are running their businesses from shop No. 4 and 5. Further, shop no.2 is already occupied by the respondents.”

11. The aforesaid would reflect that the learned ARC has not considered the material placed on record by way of photographs and no explanation has been given with respect to the same.
12. On the petitioner taking necessary steps, issue notice to the respondent through all permissible modes, including electronic mail, if any, returnable on 24.09.2026.
13. In the meantime, the impugned judgment/order dated 09.10.2025 shall remain stayed till the next date of hearing.
14. Copy of this order be sent to the learned ARC, Central District, Tis Hazari Courts, Delhi, for necessary information and compliance.
15. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 29, 2026/bsr/sg