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

Date of decision: 02.11.2026

\# **CNR No. DLHC010232012026**

\+ RC.REV. 182/2026

SMT. SUNITA .....Petitioner

Through: Mr. Atul Kumar Sharma, Advocate.

versus

VIJAY KUMAR FARSHWAL(DECEASED) THROUGH LEGAL HEIRS .....Respondent

Through: Counsel (Appearance not given).

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% JUDGEMENT (Oral)

CM APPL. 75945/2026 (For Preponement of the case)

1. The present Application has been filed under Section 151 of the Civil Procedure Code, 1908, seeking early hearing of the captioned Petition, being RC.REV. 182/2026.

2. Having regard to the averments made in the present Application, the same is allowed and the captioned matter is taken up for hearing today.

3. Accordingly, the present Application stands disposed of in the above terms.

RC.REV. 182/2026 and CM APPL. 75946/2026

4. The present Revision Petition has been filed under Section 25-

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B(8) of the Delhi Rent Control Act, 1958, challenging the Order dated 29.01.2026 passed by the learned Additional Rent Controller ["**learned ARC**"], Central District, Tis Hazari Courts, Delhi in Eviction Petition bearing No. RC/ARC/1006/2017 titled as *"Vijay Kumar Farshwal versus Sunita"*.

5. The present Petition is accompanied by an Application, being CM APPL. 75946/2026, which has been filed under Section 151 of the CPC, seeking permission of this Court to place on record certain documents which it is submitted though were already forming part of the record before the learned ARC could not be placed on the record of this Court while filing the Revision Petition.

6. At the outset, it is apposite to note that the jurisdiction of this Court under the *proviso* to Section 25-B(8) of the DRC Act, 1958, is revisional in nature and is confined to examining the legality and propriety of the order passed by the learned Rent Controller. Such jurisdiction is not akin to that of an appellate Court and does not permit a re-appreciation of the entire matter or an adjudication upon factual pleas sought to be introduced for the first time at the revisional stage.

7. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***[1], ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***[2], and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***[3], has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25-B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of

[1] (1998) 8 SCC 119
[2] (2014) 9 SCC 78

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appellate jurisdiction.

8. In ***Abid-Ul-Islam*** (supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25-(B) of the DRC Act, observed that the omission of an appellate remedy against an Order passed by the learned Rent Controller is conscious and deliberate. The jurisdiction conferred upon the High Court is, therefore, one of superintendence over the decision-making process, including the legality and propriety thereof, and does not permit the High Court to substitute its own view for that of the learned Rent Controller merely because another view on the material available on record may be possible. The relevant observations of the Hon'ble Supreme Court read as under:

> "**23.** The proviso to Section 25-B(8) gives the High Court exclusive power of revision against an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance. Thus, the High Court is not expected to substitute and supplant its views with that of the trial court by exercising the appellate jurisdiction. Its role is to satisfy itself on the process adopted. The scope of interference by the High Court is very restrictive and except in cases where there is an error apparent on the face of the record, which would only mean that in the absence of any adjudication per se, the High Court should not venture to disturb such a decision. There is no need for holding a roving inquiry in such matters which would otherwise amount to converting the power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature."

9. Learned counsel appearing on behalf of the Petitioner seeks to assail the Impugned Order confined to the ground that there exists no relationship of landlord and tenant between the parties. In support of this contention, he places reliance upon the averments made in Application No. 75946/2026, along with the documents annexed

[3] (2022) 6 SCC 30

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thereto, particularly the rent receipts, which are alleged to be fabricated. It is contended that the Aadhaar Card of the Petitioner would establish that, at the time when the said rent receipts were purportedly issued, the Petitioner was merely eight (08) years of age and, therefore, could not have issued the same.

10. This Court specifically called upon learned counsel for the Petitioner to clarify whether the aforesaid factual plea had been raised before the learned ARC and whether the Aadhaar Card, now sought to be relied upon, formed part of the record before the learned ARC.

11. In response, learned counsel, fairly admits that neither was any such plea raised before the learned ARC nor was the aforesaid document placed on record before the learned ARC. Thus, the entire challenge now sought to be raised proceeds upon a factual foundation which was neither pleaded nor substantiated before the Court of first instance.

12. This Court is of the considered view that a party cannot be permitted to enlarge the scope of revisional proceedings by introducing an altogether new factual plea, founded upon documents which were never part of the proceedings before the learned ARC, particularly when no such foundation was laid in the pleadings before the said Court. The revisional jurisdiction cannot be converted into an avenue for setting up an entirely new case or for inviting this Court to undertake a factual enquiry in the first instance.

13. In ***Gopal Krishna Sawhney v. Vinod Kumar***[4], the Hon'ble High Court of Delhi reiterated that a party cannot be permitted to introduce an altogether new factual plea at the revisional stage, particularly when no foundation for such a plea was laid before the

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learned Rent Controller. The revisional jurisdiction under Section 25-B(8) of the DRC Act cannot be invoked to set up a new case or seek adjudication of a factual controversy for the first time. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> "**14.** I will now deal with the first contention of learned counsel for the petitioner, namely, that the area in question is a commercial area where the suit property is located and can only be used for commercial purpose. Hence, it is pleaded that the requirements for bona fide residence cannot be entertained inasmuch as such a user is contrary to the Masterplan and will be in violation of the provisions of the DDA Act. Admittedly, this plea has not been taken before the ARC and it is for the first time sought to be raised before this court. Petitioner has also filed in court an extract of the Delhi Masterplan dated August 1990 modified and corrected upto 7-9-2006 where it is claimed that the area Shahzada Bagh is stated to be part of an industrial estate.
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> **15.** In ***National Textile Corporation Limited* v. *Naresh Kumar Badri Kumar Jagar***, (2011) 12 SCC 695 the Supreme Court held as under:
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> > "12. Pleadings and particulars are necessary to enable the court to decide the rights of the parties in the trial. Therefore, the pleadings are more of help to the court in narrowing the controversy involved and to inform the parties concerned to the question in issue, so that the parties may adduce appropriate evidence on the said issue. It is a settled legal proposition that "as a rule relief not founded on the pleadings should not be granted". A decision of a case cannot be based on grounds outside the pleadings of the parties. The pleadings and issues are to ascertain the real dispute between the parties to narrow the area of conflict and to see just where the two sides differ. (Vide ***Trojan & Co.* v. *Nagappa Chettiar***, [AIR 1953 SC 235], ***State of Maharashtra* v. *Hindustan Construction Co. Ltd.*** [(2010) 4 SCC 518 : (2010) 2 SCC (Civ) 207 : (2010) 4 SCC 518 : AIR 2010 SC 1299] and ***Kalyan Singh Chouhan* v. *C.P. Joshi*** [(2011) 11 SCC 786.
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> > 18. In view of the above, the law on the issue stands crystallised to the effect that a party has to take proper pleadings and prove the same by adducing sufficient evidence. No evidence can be permitted to be adduced on a issue unless factual foundation has been laid down in respect of the same.

[4] 2018 SCC OnLine Del 8064

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> 19. There is no quarrel to the settled legal proposition that a new plea cannot be taken in respect of any factual controversy whatsoever, however, a new ground raising a pure legal issue for which no inquiry/proof is required can be permitted to be raised by the court at any stage of the proceedings. [See ***Sanghvi Reconditioners (P) Ltd.*** **v.** ***Union of India*** [(2010) 2 SCC 733 : AIR 2010 SC 1089] and ***Greater Mohali Area Development Authority*** **v.** ***Manju Jain*** [(2010) 9 SCC 157 : (2010) 3 SCC (Civ) 639 : AIR 2010 SC 3817]"

16. In ***J. Jermons*** **v.** ***Aliammal*** [(1999) 7 SCC 382] while dealing with a similar issue, the Supreme Court held as under:

> "31. … there is a fundamental difference between a case of raising additional ground based on the pleadings and the material available on record and a case of taking a new plea not borne out by the pleadings. In the former case no amendment of pleadings is required whereas in the latter it is necessary to amend the pleadings. …
>
> 32. … The respondents cannot be permitted to make out a new case by seeking permission to raise additional grounds in revision."

17. These facts which are now pleaded before this Court were available with the petitioner when the written statement was filed. In fact the eviction petition was filed in 2005 and has now been disposed of after 11 years in 2016. During this entire period no such plea was raised before the ARC. It is not as if a new fact is sought to be introduced which was not known or could not have been known to the petitioner, at that stage.

18. Further, it cannot be said that this plea now raised about the Master Plan is a pure question of law. The exact location of the premises and as to whether it is covered by the description as stated in the Master Plan are issues which had to be determined by evidence led by the parties before the ARC. If necessary, appropriate Revenue Authorities would have to be summoned as witness to identify as to whether the area falls in a commercial area or not. The petitioner cannot, at this belated stage be permitted to rely upon additional evidence in this manner and introduce new pleas. Introduction of such a plea at this stage would cause grave prejudice to the respondent. The plea is accordingly rejected."

14. Significantly, learned counsel for the Petitioner, upon being specifically queried, has confined his challenge to the Impugned Order solely to the aforesaid contention. No other ground has been urged to demonstrate any illegality, material irregularity or impropriety in the Impugned Order warranting interference by this Court in exercise of

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its limited revisional jurisdiction.

15. In view of the aforesaid, this Court finds that the sole ground urged on behalf of the Petitioner is wholly untenable in the present proceedings, having been sought to be introduced for the first time at the revisional stage. No ground warranting interference with the Impugned Order is, therefore, made out.

16. In view of the foregoing discussion, the present Revision Petition, being devoid of merit, is dismissed accordingly.

17. The present Petition, along with the pending Application(s), if any, stands disposed of in the above terms.

18. The date already fixed before this Court, i.e., 21.01.2027, stands cancelled.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 02, 2026*/pt/ma*

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