



2026:DHC:8111



\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 21.09.2026**# **CNR No. DLHC012273952018**+ **RC.REV. 451/2018****DHANESHWARI DEVI**

.....Petitioner

Through: **Mr. Kedar Yadav, Mr. Rahul
Yadav and Ms. Minakshi
Yadav, Advocates.**

versus

SHRI RAM

.....Respondent

Through: **Mr. Rabindra Singh, Ms. Ekta
Singh and Mr. Paras Aggarwal,
Advocates.****CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

%

JUDGEMENT (Oral)

1. The present Revision Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958**¹, seeks to assail the **Judgement dated dated 14.05.2018**², passed by the learned **ACJ-CCJ-ARC, East District, Karkardooma Courts, Delhi**³, in Eviction Petition, being **RC ARC 1071/ 2016**⁴, titled "*Dhaneshwari Devi vs. Ram*".

2. By way of the Impugned Judgement, the Eviction Petition filed by the Petitioners herein, with respect to **Property bearing No. 30/477, Extra 30 Block, Trilokpuri, Delhi**⁵, came to be dismissed after a full-fledged trial and, consequently, no Eviction Order was

¹ DRC Act

² Impugned Judgement

³ ARC

⁴ Eviction Petition

⁵ Subject Premises



2026:DHC:8111



passed against the Respondent.

SUBMISSIONS ON BEHALF OF THE PETITIONER:

3. Learned counsel appearing on behalf of the Petitioner, at the outset, submits that the challenge to the Impugned Judgement is confined to three findings returned by the learned ARC, *namely, first*, the finding that the Rent Agreement relied upon by the Petitioner was not proved and, consequently, the relationship of Landlord and Tenant between the parties was held to be not established; *second*, the finding that the Petitioner and her family were residing in Uttar Pradesh, whereas the Respondent and his family had been residing in the premises from a period prior to the alleged tenancy; and *third*, the finding that the Subject Premises and the land on which the same is situated are Government-owned and that the parties had no proprietary or possessory title thereto.

4. Learned counsel appearing on behalf of the Petitioner, elaborating upon the challenge to the first aspect, submits that the finding of the learned ARC that the Rent Agreement relied upon by the Petitioner was not proved, is unsustainable.

5. Learned counsel for the Petitioner submits that the learned ARC erred in disbelieving the Rent Agreement, and consequently in holding that the relationship of Landlord and Tenant between the parties had not been established since the learned ARC failed to appreciate the fact that the Rent Agreement bore the photograph of the Respondent, which was not disputed by him. It was further submitted that the police verification form and the Respondent's voter identity card, which further corroborated the Petitioner's case that the Respondent was her Tenant, were not duly considered. Learned counsel for the Petitioner, therefore, submits that these documents were not properly



2026:DHC:8111



appreciated by the learned ARC while returning the finding that the Rent Agreement had not been proved.

6. Learned counsel for the Petitioner, insofar as the second aspect is concerned, submits that the finding of the learned ARC that the Petitioner and her family were not residing in the Subject Premises, whereas the Respondent and his family had been residing therein from a period prior to the alleged tenancy, is also contrary to the evidence on record.

7. Learned counsel for the Petitioner, in this regard, submits that the learned ARC anchors the finding regarding the Petitioner's alleged non-occupation of the Subject Premises upon the school records relating to the daughter of the Respondent's son, as also upon the documents relied upon to demonstrate the Petitioner's residence in Uttar Pradesh. It is submitted that the said material was not correctly appreciated by the learned ARC and that the conclusions drawn therefrom do not follow from the evidence on record.

8. Learned counsel submits that the school records pertaining to the daughter of the Respondent's son do not, by themselves, establish the nature or duration of the Respondent's occupation of the Subject Premises, particularly when no witness from the concerned school was examined to prove the said records. It is further submitted that the documents relied upon to establish the Petitioner's residence at Jaunpur, namely, the electoral roll, ration card and bank account statement, were likewise, not sufficient to displace the Petitioner's case that she was occupying the first floor of the Subject Premises.

9. Learned counsel, therefore, submits that the learned ARC, by placing reliance upon the said documents and drawing a cumulative inference therefrom, materially misappreciated the evidence and



2026:DHC:8111



consequently returned a finding that the Petitioner and her family did not reside in the Subject Premises.

10. Insofar as the third aspect is concerned, learned counsel for the Petitioner submits that the finding that the Subject Premises is situated on Government land is wholly unsupported by the evidence on record. It is submitted that neither had the Respondent asserted that the Subject Premises was Government land, nor had any Government authority laid any claim thereto. It is, therefore, submitted that there was no material before the learned ARC to conclude that the Subject Premises was Government-owned or that the Petitioner had no proprietary or possessory title thereto.

11. Learned Counsel submits that the learned ARC also examined whether the Petitioner herself was a lessee of the Government and proceeded on the premise that the parties were trespassers, and that the amounts recovered by the Government, being damages, were described as “rent”, in common parlance. On this premise, the learned ARC held that the property was owned by the Government and, consequently, the Petitioner could not lay any claim to the subject premises.

SUBMISSIONS ON BEHALF OF THE RESPONDENT:

12. *Per contra*, learned counsel appearing on behalf of the Respondent submits that the challenge to the first aspect is misconceived, inasmuch as the learned ARC, upon appreciation of the evidence on record, had rightly found that the Rent Agreement relied upon by the Petitioner had not been proved and that the relationship of Landlord and Tenant between the parties had consequently not been established. It is submitted that the Respondent had categorically denied the execution of the said Rent Agreement, and that the



2026:DHC:8111



circumstances in which the document was alleged to have been executed, as set out in the Eviction Petition itself, did not support the Petitioner's case.

13. Learned counsel for the Respondent submits that the mere presence of the Respondent's photograph on the Rent Agreement could not, by itself, establish its execution or the existence of a Landlord-Tenant relationship. The police verification form relied upon by the Petitioner, it is submitted, also does not cure the fundamental deficiency in proof of the alleged tenancy.

14. Learned counsel for the Respondent further submits that, insofar as the second aspect is concerned, the finding of the learned ARC that the Petitioner and her family were not residing in the Subject Premises, whereas the Respondent and his family had been residing therein from a period prior to the alleged tenancy, is borne out from the evidence on record.

15. Learned counsel for the Respondent submits that, the learned ARC, after weighing the evidence on record, *inter alia*, the electoral roll, ration card and bank account documents relating to the Petitioner, reached the conclusion that the Petitioner was residing at Jaunpur, Uttar Pradesh.

16. Learned counsel for the Respondent submits that the evidence on record further established that the Respondent's son and his family had been residing in the suit premises much prior to the alleged tenancy. It is submitted that the school records of the Respondent's grand-daughter, relied upon by the learned ARC, demonstrated occupation of the premises from a period preceding the alleged induction of the Respondent as a Tenant. Learned counsel for the Respondent, thus, submits that, the challenge to the aforesaid finding



2026:DHC:8111



by the Petitioner is misconceived and is contradictory to the evidence already appreciated by the learned ARC.

17. Learned counsel for the Respondent, while controverting the third ground of challenge, fairly submits that the said ground was not raised by the Respondent before the learned ARC and that the same has been noticed by the learned ARC on his own accord.

18. Learned counsel for the Respondent, however, submits that the finding of the learned ARC with regard to the Government ownership of the land cannot be viewed in isolation from the other findings recorded in the Impugned Judgement. It is submitted that, even if the said finding were to be excluded from consideration, the findings regarding the absence of a proved Landlord-Tenant relationship and the Petitioner's failure to establish her occupation of the Subject Premises would independently sustain the dismissal of the Eviction Petition.

19. Learned counsel for the Respondent, therefore, submits that the Petitioner has failed to demonstrate any error warranting interference with the Impugned Judgement since the Judgment was rendered consequent to a full-fledged trial and the findings returned by the learned ARC were based upon the evidence brought on record.

20. Learned counsel for the Respondent, in light of the foregoing submissions, submits that the scope of Revisional Jurisdiction exercisable by this Court under *proviso* to Section 25-B(8) of the DRC Act is extremely circumscribed and, consequently, no occasion arises for interference with the Impugned Judgement.

ANALYSIS:

21. This Court has heard the learned counsel for the parties and, with their able assistance, perused the material available on record.



2026:DHC:8111



22. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the *proviso* to Section 25-B(8) of the DRC Act.

23. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**⁶, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**⁷, and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**⁸, 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 appellate jurisdiction.

24. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in **Pankaj Pahwa v. Prem Wati & Ors.**⁹, and **Sanjeev Hiranandani v. Sunny Grover**¹⁰.

25. 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

⁶ (1998) 8 SCC 119

⁷ (2014) 9 SCC 78

⁸ (2022) 6 SCC 30

⁹ 2024:DHC:9322

¹⁰ 2025:DHC:11285



2026:DHC:8111



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.”

26. In **Pankaj Pahwa** (*supra*), a Coordinate Bench of this Court, considering the principles enunciated in **Abid-Ul-Islam** (*supra*), reiterated that the jurisdiction exercised by this Court under the *proviso* to Section 25-B(8) of the DRC Act is limited in scope and that this Court is not expected to substitute or supplant its view for that of the learned ARC. The revisional scrutiny is confined to examining the decision-making process and determining whether the Impugned Order suffers from an error apparent on the face of the record or an absence of adjudication warranting interference.

27. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25-B(8) of the DRC Act, this Court is neither required, nor permitted to undertake a fresh appreciation of the material on record with a view to arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Judgment suffers from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the



2026:DHC:8111



learned ARC is wholly unreasonable or founded upon an erroneous premise of law. Equally, where a material plea has been left unconsidered, or the decision-making process otherwise discloses an error apparent on the face of the record, exercise of revisional jurisdiction may be warranted.

28. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged by the learned counsel on behalf of the Petitioner against the Impugned Judgment are required to be examined.

29. Before advertng to the facts of the present case, for the sake of completeness and clarity, this Court deems it apposite to reproduce the findings returned by the learned ARC. Since the Impugned Judgement is relatively short in length, the same is reproduced in its entirety herein below:

“JUDGMENT

Concise statement of facts averred in the petition

1. The premises is identified as ground floor of property No. 30/477, extra 30 block, Trilokpuri, Delhi measuring 22½ sq. yds. Respondent is the tenant of petitioner in the said premises. First floor of the building in which the premises is situated is occupied by the petitioner. The premises was let out to the respondent 5 to 6 years prior to the moving of the present petition. Son of the petitioner named Pankaj visits the petitioner often from his native village Udaichandpur, Jaunpur, U.P. alongwith his family but due to paucity of space, it is difficult for the petitioner to accommodate his visiting son and his family. The petitioner is an octogenarian and given her age she finds it difficult to climb the stairs to reach first floor of the building in which the premises is situated. The petitioner owns a property identified as 36/164, Trilokpuri, Delhi-91 which she has provided to her married daughter and her family for her residence. Hence, by way of present petition u/s 14(1)(e) of DRC Act, petitioner seeks eviction of the respondent from the premises.

Concise statement of facts pleaded in the WS

2. Petitioner is not in possession of the first floor of the building in which the premises is situated. Petitioner is permanent resident of Jaunpur, U.P. Pankaj – son of the petitioner is 'gram pradhan' of his native village and settled there. Her other son named Sunil is



2026:DHC:8111



employed with Municipal Corporation, Varanasi as an electrician since 2007. The third son of the petitioner named Anil Kumar is a 'pump operator' in U.P. Jal Sansthan at Agra. Petitioner and her sons are settled outside Delhi and have their respective vocations there. Premises is not required by the petitioner. The respondent is not tenant of the petitioner and occupies the premises since 1997, independent of any claim of the petitioner. The rent agreement dated 28.09.2013 produced by the petitioner is a false document.

3. The petitioner adduced following evidence:

- (i) Testimony of Pankaj as PW1(**affidavit Ex. PW-1/1**),
- (ii) Copy of GPA and agreement dated 28/05/1986(**Ex PW-1/A**) (**colly**) ,
- (iii) Site plan(**Ex PW-1/B**),
- (iv) Copy of Rent agreement dated 28/09/2013(**Ex PW-1/C**),
- (v) Copy of Election I. D. Card of Yasvant Lal(**Ex PW-1/D**),
- (vi) Copy of Election I. D. Card of Urmila Devi(**Ex PW-1/E**),
- (vii) Copy of Election I. D. Card of Mohit Kumar Rai(**Ex PW-1/F**),
- (viii) Copy of Election I. D. Card of Rohit Kumar Rai(**Mark A**),
- (ix) Copy of Election I. D. Card of Shri Ram(**Mark B**), and
- (x) Copy of receiving of police verification form dated 25/09/2013(**Ex PW-1/K**).

4. The respondent produced following documents in evidence;

- (i) Admission and withdrawal register containing the record of admission and withdrawal of student named Preeti daughter of Satish Chand, Ex. D1,
- (ii) Admission form of Preeti daughter of Satish Chand, Ex. D2.
- (iii) Electoral roll Ex. P W-1/R1,
- (iv) Copy of Ration-card of petitioner Ex. PW-1/R-2, and
- (v) Copy of statement of bank account of petitioner Ex. PW-1/R-3.

4.1. The documents referred to in para 4(i), (ii) & (iii) were produced by MCD primary school, Trilokpuri and the other were produced at the time of cross-examination of PW-1 and PW-1 was confronted with them.

5. Son of the petitioner – Pankaj, is resident of Jaunpur and his family resides there and he is settled at Jaunpur. The said facts are proved from the following testimony of Pankaj(PW1) during his cross-examination conducted on 18.04.17:

"I was elected as village pradhan of my village Udaichandpur, Block Kerakat, District Jaunpur, U.P. for the period 2010 to 2016. I have agricultrual land..... I have my own house at my native village I and my family members are permanently settled at my native village."

6. The petitioner – Dhaneshwari Devi is resident of Jaunpur is proved from the electoral roll Ex. PW1/R1 and the fact that petitioner maintains a bank account at Jaunpur(copy of the statement of account of this bank i.e. SBI, Kerakut Branch) is Ex. PW1/R3. The fact that Dhaneshwari Devi resides at Jaunpur, is also



corroborated by document Ex. PW1/R2 which is the copy of ration card issued to her.

7. The children of petitioner are all settled in various cities of Uttar Pradesh. This fact is proved from the following testimony of PW1; *"My brother namely Sunil is employed as Electrician with Jalkal Vibhag, Varanasi since 2007..... My brother Anil is employed as helper with Jalkal Vibhag, Agra since 2007."*

8. From the facts discussed in paras 5,6 & 7, it is proved that the petitioner and her sons and their families are resident of Uttar Pradesh.

9. The petitioner did not examine herself. There is no reason why the petitioner was not examined as she was the best witness of her case. No medical record is produced which would have justified exemption of her examination.

9.1. In RC Rev. No. 249/2015 and CM No. 9097/2015 titled Shri Ram vs. Dhaneshwari Devi, it has been recorded in order dated 10.08.2015 by HMJ Pratibha Rani that the respondent to that petition i.e. the petitioner herein – Dhaneshwari Devi could not be served at the registered address i.e. first floor of the building in which the premises is situated. This fact also lends assurance to the fact that the petitioner is not in occupation of the first floor of the premises.

10. The documents Ex. D1 and Ex. D2 are the school records of the daughter of Satish Chand namely Preeti and premises is shown to be the place of residence of Preeti and Satish Chand. From the said record, it is proved that Preeti had been promoted to class I on 31.03.2003. The said record proves that Satish Chand had been residing in the premises prior to 5 – 6 years before the moving of present petition. Satish is the son of the respondent Shri Ram.

11. Thus, it is proved that petitioner and her family does not reside at the premises and the premises has been occupied by the respondent and his family much before as averred in the petitioner.

12. So far as the rent agreement dated 28.09.2013 is concerned, the respondent has denied that he had subscribed to the said agreement. The circumstances in which the said agreement had been effected between the parties, have been described in following words by the petitioner, in para 5 of the petition.

"5. However, with the passage of time the respondent started creating troubles for the petitioner by not paying the rent regularly, harassing and humiliating the petitioner and her family members by one way or the other due to which rent agreement was got executed between the petitioner and the respondent on 28.09.2013."

12.1. In support of its pleadings to the effect that this document is false, it is argued by the respondent that when a tenant is harassing and locking horns with the landlord then the why would he execute a rent agreement? By any objective assessment, the said argument has force and is worthy of being believed. The signatures of the



2026:DHC:8111



respondent as they appear on this rent agreement and as they appear on the affidavit of the respondent are at variance as they apparently differ in 'slant' and absence of 'shiro – rekha' as the respondent signs in *devnagari*. Even otherwise the said document lost its currency long back.

13. Another aspect that is noteworthy is that the building in which the premises is situated and the land on which the said building exists, is a Government Land the occupiers thereof are not the lessee of the Government but trespassers/squatters from whom the Government recovers damages which is popularly known as rent. Thus, no body but the Government of India is the owner of the said land and any body who loses possession of this land cannot reclaim it as he had no possessory title to this land. Any estoppel as to the right of the landlord is only on the tenant and not on the court.

14. Thus, it is proved that the petitioner and her family members(sons) reside in U.P. and have their vocations there and their families are also settled there. It is also proved that the respondent and his family have been residing in the premises not since the period as averred by the petitioner but long before. No body has any proprietary/possessory title to the premises or the building in which the premises is situated or the land on which the said building exists except the Government of India. Thus, the petition is dismissed.

15. File be consigned to Record Room.”

(Emphasis supplied)

30. Adverting to the facts of the present case, the first controversy that falls for consideration is, whether, in disbelieving the alleged Rent Agreement and, consequently, in holding that the relationship of Landlord and Tenant between the parties had not been established, the learned ARC committed any jurisdictional error or material irregularity warranting interference by this Court. Upon a careful consideration of the material on record, this Court is of the considered view that the answer must be in the negative.

31. Upon a perusal of the Impugned Judgment, as reproduced herein before, it is evident that the learned ARC has not rejected the Rent Agreement on a mere *ipse dixit* or upon a consideration extraneous to the record. The Respondent had categorically denied the execution of the said document, and it was in this backdrop that the



learned ARC examined the circumstances in which the Rent Agreement was alleged to have been executed. Upon such examination, the learned ARC found substance in the Respondent's contention that the circumstances pleaded by the Petitioner were materially inconsistent with the execution of the document as alleged.

32. The learned ARC also took note of the apparent variance between the signatures of the Respondent appearing on the Rent Agreement and those appearing on his Affidavit. Thus, the conclusion that the Rent Agreement had not been proved was not arrived at in isolation, but followed from an assessment of the circumstances and material which were available before the learned ARC and formed part of the decision-making process.

33. The reliance placed by learned counsel for the Petitioner upon the photograph of the Respondent appearing on the alleged Rent Agreement, as also upon the police verification form and the Respondent's voter identity card, does not, however, advance the Petitioner's case any further. At the highest, these documents may establish the identity of the person whose photograph appears thereon or the existence of such documents, but they do not, by themselves, establish that the said document was in fact executed by the Respondent.

34. The material question before the learned ARC, therefore, was not merely whether the photograph appearing on the Rent Agreement was that of the Respondent, but whether the document itself could be accepted as a genuine instrument evidencing the alleged tenancy. It is this question which the learned ARC proceeded to examine in the context of the material placed before it, and, upon such consideration, returned a finding against the Petitioner.



2026:DHC:8111



35. This Court, while exercising revisional jurisdiction, cannot substitute its own assessment of the evidentiary value of these documents merely because another view may conceivably be taken of them. The finding returned by the learned ARC is founded upon the material available on record and has not been shown to suffer from any error apparent on the face of the record or any perversity in the decision-making process. Once the alleged Rent Agreement itself fails to establish the relationship of Landlord and Tenant between the parties, the very substratum of the Eviction Petition remained unestablished.

36. The challenge to the said finding, therefore, does not warrant interference by this Court and, on this aspect alone, the Eviction Petition could not have succeeded, the Petitioner having failed to establish an essential foundation for maintaining the same.

37. Having affirmed the learned ARC's finding that the Petitioner failed to establish the relationship of Landlord and Tenant between the parties, and that the Eviction Petition was, consequently, rightly dismissed on this ground, no occasion arises for interference with the Impugned Judgement, and thus the present Revision Petition is also liable to fail irrespective of the outcome of the remaining grounds of challenge. However, since the Petitioner has also assailed the other findings returned in the Impugned Judgement, it would, for the sake of completeness, be apposite to examine those aspects on merits as well.

38. The second ground of challenge concerns the finding of the learned ARC that the Petitioner and her family were residing in Uttar Pradesh, whereas the Respondent and his family had been occupying the Subject Premises from a period much prior to the alleged tenancy. Here again, the finding cannot be characterised as one rendered



2026:DHC:8111



without evidence or upon a misdirection in law.

39. The learned ARC considered, in some detail, the evidence bearing upon the residence of the Petitioner and her family. The testimony of PW-1 disclosed that he was permanently settled at his native village in Jaunpur, Uttar Pradesh, where he had his own house and agricultural land. The electoral roll, ration card and bank account of the Petitioner were thereafter considered by the learned ARC in conjunction with the said testimony. The learned ARC further noticed the evidence regarding the employment and settlement of the other sons of the Petitioner in different cities of Uttar Pradesh. On a cumulative consideration of this material, the learned ARC concluded that the Petitioner and her sons and their respective families were residing in Uttar Pradesh and not in the subject premises.

40. The finding of the learned ARC regarding the Respondent's occupation of the Subject Premises was borne out from the school records pertaining to the daughter of the Respondent's son. The said records reflected the Subject Premises as the place of residence of Respondent's son and her grand-daughter and, upon consideration thereof, the learned ARC found that the subject premises were in the occupation of the Petitioners at least five to six years prior to moving of the Eviction Petition.

41. The contention that the aforesaid documents were incorrectly appreciated would, in substance, require this Court to undertake a fresh appraisal of the evidence, which falls outside the limited scope of revisional jurisdiction under *proviso* to Section 25-B(8) of the DRC Act. The learned ARC considered the documentary material in conjunction with the testimony of PW-1 and, upon an assessment of their cumulative effect, returned a finding on the question of the



2026:DHC:8111



Respondent's prior occupation of the premises.

42. In the considered opinion of this Court, no perversity, material irregularity or patent illegality in such appreciation or in the decision-making process has been demonstrated by the learned ARC while arriving at the conclusion that the Petitioner was not in occupation of the first floor of the Subject Premises. Significantly, this finding goes to the very factual foundation of the Petitioner's pleaded case of occupation of the Subject Premises and not merely whether the Petitioner had any occasional connection with the Subject Premises.

43. Insofar as the third ground of challenge is concerned, which relates to the finding of the learned ARC that the land upon which the Subject Premises stands is Government land, the same, even assuming was an over-reach by the learned ARC, would not materially affect the final outcome.

44. Learned counsel for the Petitioner is justified in pointing out that this finding was not founded upon any specific claim of Government ownership advanced by the Respondent or upon a document of title produced by a Government authority. The learned counsel for the Respondent has also, in fact, fairly submitted that the said aspect was not the basis of his defence and that the learned ARC had taken judicial notice of the same in the course of its adjudication.

45. However, even if the aforesaid finding were to be excluded from the consideration, the same would not advance the case of the Petitioner. The dismissal of the Eviction Petition was not founded solely upon the finding regarding the nature of the land upon which Subject Premises was situated. The learned ARC had, independently, found that the Petitioner had failed to establish the relationship of Landlord and Tenant between the parties and that the factual edifice of



2026:DHC:8111



her case, insofar as it rested upon her alleged occupation of the Subject Premises and the Respondent's alleged tenancy therein, was not borne out by the evidence on record. These findings constitute independent and substantive grounds for dismissal, going to the very foundation of the Eviction Petition as pleaded by the Petitioner.

46. The Court also finds significance in the fact that the matter was not disposed of at the stage of Leave to Defend. The Respondent was permitted to contest the Eviction Petition, the parties thereafter led evidence and brought their respective documents on record, culminating in adjudication after a full-fledged trial. The Impugned Judgement thus represents the culmination of an evidentiary adjudication, wherein the learned ARC considered the rival versions of the parties and returned findings upon the principal factual questions arising for determination.

47. In view of the foregoing discussion, the findings returned by the learned ARC on the principal factual aspects of the matter cannot be said to suffer from any jurisdictional infirmity, material irregularity, perversity or patent illegality warranting interference in exercise of the limited revisional jurisdiction of this Court.

48. The conclusion that the relationship of Landlord and Tenant between the parties was not established rests upon an appreciation of the material placed before the learned ARC, and the finding regarding the Petitioner's alleged occupation of the premises and the Respondent's prior occupation thereof likewise finds its basis in the evidence on record. The finding regarding the nature of the land, even if kept out of consideration, does not affect the ultimate conclusion, which is independently sustained by the aforesaid findings.

49. The present Revision Petition, therefore, seeks, in substance, a



re-appreciation of the evidence and a substitution of the view taken by the learned ARC, without demonstrating any infirmity in the decision-making process warranting exercise of the revisional jurisdiction under Section 25-B(8) of the DRC Act.

50. Accordingly, the Impugned Judgement, having followed a full-fledged trial and being supported by independent findings on the material issues arising between the parties, does not call for interference.

DECISION:

51. The present Petition, in view of the foregoing discussion, does not disclose any ground warranting interference under the *proviso* to Section 25-B(8) of the DRC Act.

52. Accordingly, the present Petition, being *sans* merit, is dismissed.

53. The present Petition, along with pending Application(s), if any, stands disposed of in aforementioned terms.

54. There shall be no Order as to the Costs.

**HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 21, 2026/LP/DJ**