



2026:DHC:7210



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 25.08.2026**# **CNR No. DLHC010043542023**+ **RC.REV. 39/2023, CM APPL. 6819/2023 (Stay) & CM APPL. 899/2026 (For payment of arrears of rent)**

PD ADLAKHA

.....Petitioner

Through: Mr. Anupam Srivastava, Senior Advocate along with Mr. Dhairya Gupta and Mr. Vasuh Misra, Advocates.

versus

GUNITA GULATI

.....Respondent

Through: Mr. Ajay Brahme, Advocate.

CORAM:**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**

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JUDGEMENT (Oral)

1. The present Rent Control Revision Petition, under Section 25-B (8) of the **Delhi Rent Control Act, 1958**¹, seeks the setting aside of the **Judgment dated 09.11.2022**² passed by the **learned Additional Rent Controller, South-East District, Saket Courts, Delhi**³, in Eviction Petition being E. 101/2017, titled "*Gunita Gulati v. P.D. Adlakha*", whereby the learned ARC has passed an order of eviction after trial against the Petitioner herein.

2. Learned Senior Counsel appearing on behalf of the Petitioner seeks to assail the Impugned Judgment on the sole ground that the

¹ DRC Act

² Impugned Judgment

³ Learned ARC



2026:DHC:7210



Power of Attorney Holder, who deposed on behalf of the Petitioner, was not competent to depose or testify with respect to the Petitioner's medical condition. It would be submitted that the facts concerning the Petitioner's medical condition were within her personal knowledge and, therefore, could have been proved only through her own testimony. The Power of Attorney Holder, not having personal knowledge of the Petitioner's medical condition, could neither depose on her behalf in respect thereof nor satisfactorily answer questions pertaining to the same. It would, therefore, be contended that the reliance placed upon such testimony and the documents concerning the Petitioner's medical condition vitiates the findings returned in the Impugned Judgment, thereby warranting its setting aside.

3. ***Per contra***, learned counsel appearing on behalf of the Respondent would submit that the learned ARC has not just considered the medical documents but has also considered the public document being Order dated 03.01.2018 passed by the learned Co-ordinate Bench of this Court in CS(OS) 207/2015, titled "*Gunita Gulati @ Mani Chularatnaphol v. Gurmeet Kaur*" and that there was no dispute as regards the contents of the same, which note the medical condition of the Petitioner.

4. He would further submit that the learned ARC has accorded his consideration to the entire aspect of the matter and there arises no scope for any interference in the limited revisional jurisdiction exercisable by this Court.

5. Learned counsel appearing on behalf of the Respondent also submits that no claim will be made with respect to arrears, if at all.

ANALYSIS:

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Signing Date: 29.08.2026 16:10:43
RC.REV. 39/2023



2026:DHC:7210



6. This Court has heard the learned counsel appearing on behalf of the parties and, with their able assistance, perused the material available on record.

7. 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 25B(8) of the DRC Act.

8. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**⁴, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**⁵, and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**⁶, has consistently held that the jurisdiction exercised by the High Court under the proviso to Section 25B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

9. 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.**⁷, and **Sanjeev Hiranandani v. Sunny Grover**⁸.

10. In **Abid-Ul-Islam** (supra), the Hon'ble Supreme Court, while elucidating the legislative intentment underlying Section 25B 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,

⁴ (1998) 8 SCC 119

⁵ (2014) 9 SCC 78

⁶ (2022) 6 SCC 30

⁷ 2024:DHC:9322

⁸ 2025:DHC:11285



2026:DHC:7210



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.”

11. In **Pankaj Pahwa** (supra), a Coordinate Bench of this Court, upon considering the principles enunciated in **Abid-Ul-Islam** (supra), reiterated that the jurisdiction exercised by this Court under the proviso to Section 25B(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.

12. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25B(8) of the DRC Act, this Court is neither required nor permitted to

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Signing Date: 29/08/2026
16:10:43

RC.REV. 39/2023

Page 4 of 12



2026:DHC:7210



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 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.

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

14. At this juncture, this Court deems it appropriate to extract the relevant findings of the learned ARC in the Impugned Judgment pertaining to the only ground urged before this Court, which read as under:

“Bonafide requirement

16. The petition states that the tenanted premises is required by the petitioner so that she may get her medical treatment for her heart related ailments from a hospital which is situated near the tenanted premises. The petitioner has placed on record medical prescriptions Ex.PW1/2 and Ex.PW1/4 which show that she has been consulting a cardiologist of Max Health Care Hospital. The fact regarding the medical ailments of the petitioner and her need for advanced medical supervision has been recorded by Hon'ble High Court of Delhi in order dated 03.01.2018 in CS(OS) No.207/15 case titled as "Gunita Gulati Vs. Gurmeet Kaur". It may be noted that there is no dispute between the parties regarding the said order dated 03.01.2008 passed by Hon'ble High Court of Delhi. The respondent has infact relied upon the said order as is evident from written submissions filed by the respondent. Further, the medical condition of the petitioner has not been categorically denied by the respondent or the RW-1, It is only asserted on behalf of the

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By: HARVINDER KAUR
BHATIA
Signing Date: 29.08.2026
16:10:43

RC.REV. 39/2023

Page 5 of 12



2026:DHC:7210



respondent that the documents relied upon by the petitioner are only prescriptions by the doctor and the petitioner does not require any specialized treatment in Delhi. Further, RW-1 has deposed in his cross-examination that he is not aware of medical condition of the petitioner. This shows that the respondent has not categorically denied the ailment of the petitioner. Further in the case of "J.S. Sharma & Sons Vs. Shiv Devi Meena" (2001)SCC online Del 3063 Hon'ble High Court of Delhi has held that the petitioner is not required to file voluminous documents pertaining to her medical illness. The petitioner thus suffers from heart related ailments and being a citizen of Thailand she requires the tenanted premises for her treatment in India.

17. In the light of above, it may be safely concluded that the initial onus to prove the bonafide requirement of the petitioner to get treatment for her heart related ailments stands discharge and now the onus has shifted upon the respondent to disprove the same.

18. The first defence taken by the respondent in this regard is that the petitioner is a citizen of Thailand and she has been receiving her treatment there and treatment in Delhi is not needed. In the case of "Urmil Joshi & Ors. Vs. Raj Batra" (2012) SCC Online Del 1321 Hon'ble High Court of Delhi in a similar factual scenario observed as follows:

"Counsel has not been able to point out any provision of law whereby an India, who had acquired foreign citizenship is disentitled to enjoy residence in his own property in India when he chooses to return to India. The passport of the respondent was brought in the Court which shows that ever since 1988 he has been staying in India and even in 1991 his visa was extended up to the year 1994."

"The landlord is the best judge of his residential requirement. He has a complete freedom in the matter. It is no concern of the courts to dictate to the landlord how, and in what manner, he should live or to prescribe for him a residential standard of their own."

19. The above observation of Hon'ble High Court of Delhi makes it clear that just because the petitioner has acquired Thailand's citizenship, she does not become disentitled to the tenanted premises. Further, that, the respondent cannot dictate as to where the petitioner should get her medical treatment. It is petitioner's choice as to whether she wants treatment in Thailand or in Delhi. The petitioner cannot be forced to get her treatment in Thailand only because the same suits the needs of the respondent. Thus I am not inclined to accept this defence of the respondent.

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By: HARVINDER KAUR
BHATIA
Signing Date: 29.08.2026
16:10:43

RC.REV. 39/2023

Page 6 of 12



2026:DHC:7210



20. Another limb of defence of the respondent is that the petitioner has only got routine check-up in Delhi and she does not require any treatment in Delhi. To this, a part of the cross-examination. of PW-1 needs to be seen. PW-1 in his cross-examination has stated that the petitioner "is willing to visit in India and stay here for medical treatment however she requires some place to stay which she does not have". This statement of PW-1 shows that due to lack of accommodation in Delhi the petitioner has not been able to get her proper treatment in Delhi. Thus, this argument of respondent that the petitioner has got only routine check-up in Delhi is without any force. In fact due to lack of accommodation in Delhi, the petitioner is unable to get thorough treatment.

21. It is further contended on behalf of respondent that by setting up a case of bonafide requirement for medical treatment, the petitioner is infact trying to evict the respondent to sell the tenanted premises. I am not inclined to accept this defence either. There is always a presumption that the need of the landlord is bonafide. In the case of "Sarla Ahuja Vs. United India Insurance Company Limited" MANU SC 0665 (1998) Hon'ble Apex Court observed:

"The crux of the ground envisaged in clause (e) of Section 14(1) of the Act is that the requirement of the landlord for occupation of the tenanted premises must be bona fide. When a landlord asserts that he requires his building for his own occupation the Rent Controller shall not proceed on the presumption that the requirement is not bona fide. When other conditions of the clause are satisfied and when the landlord shows a prima facie case it is open to the Rent Controller to draw a presumption that the requirement of the landlord is bona fide. It is often said by courts that it is not for the tenant to dictate terms to the landlord as to how else he can adjust himself without getting possession of the tenanted premises. While deciding the question of bona fides of the requirement of the landlord it is quite unnecessary to make an endeavour as to how else the landlord could have adjusted himself." (Emphasis supplied)

22. Thus there is a presumption in favour of the petitioner that the tenanted premises is indeed required by the petitioner for her medical treatment and the petition is not filed only to evict the respondent from the premises. The respondent has not placed, any document to rebut this presumption.

23. None of the arguments of the respondent controverting the bonafide need of the petitioner is convincing and thus it may be said that the respondent has failed to discharge the onus which

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By: HARVINDER KAUR
BHATIA
Signing Date: 29.08.2026 16:10:43
RC.REV. 39/2023



2026:DHC:7210



shifted upon him. Accordingly, it is held that the petitioner requires the tenanted premises bonafidely for her treatment in New Delhi.”

(emphasis supplied)

15. As is apparent, the learned ARC has not just relied upon the documents which were exhibited, but has also relied upon the judgment and admittedly, the contents of which are not denied.

16. The principal, and indeed the sole, contention urged on behalf of the Petitioner is that the Power of Attorney Holder, who appeared as PW-1 on behalf of the Petitioner before the learned ARC, was not competent to depose with respect to the Petitioner’s medical condition, the same being a matter within the exclusive personal knowledge of the Petitioner. It is, therefore, contended that the medical prescriptions and the testimony of the Power of Attorney Holder concerning the Petitioner’s medical condition could not have been relied upon by the learned ARC while returning a finding with respect to the bona fide requirement of the Petitioner.

17. This Court is unable to accept the aforesaid contention. At the outset, it is required to be noted that the finding returned by the learned ARC with respect to the Petitioner’s medical condition is not founded solely upon the oral testimony of the Power of Attorney Holder. A perusal of the Impugned Judgment would show that the learned ARC has taken into consideration the medical prescriptions placed on record by the Petitioner as well as the Order dated 03.01.2018 passed by a learned Coordinate Bench of this Court in CS(OS) 207/2015, titled “*Gunita Gulati @ Mani Chularatnaphol v. Gurmeet Kaur*”. The learned ARC has specifically recorded that the said Order noted the medical ailments of the Petitioner and her

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By: HARVINDER KAUR
BHATIA
Signing Date: 29.08.2026 16:10:43
RC.REV. 39/2023



2026:DHC:7210



requirement of advanced medical supervision.

18. Significantly, the learned ARC has further recorded that there was no dispute between the parties with regard to the contents of the aforesaid Order dated 03.01.2018. On the contrary, the Respondent himself had relied upon the said Order in his written submissions before the learned ARC. The learned ARC has also taken note of the fact that the Petitioner's medical condition was not categorically denied by the Respondent. The challenge raised by the Respondent before the learned ARC was essentially with respect to the nature and sufficiency of the medical treatment allegedly required by the Petitioner in Delhi, and not a categorical denial of the existence of her medical ailments.

19. The finding of the learned ARC regarding the existence of the Petitioner's medical condition, therefore, cannot be understood as having been returned merely on the basis of the deposition of the Power of Attorney Holder. The said finding is based upon documentary material placed on record and other material which was admittedly available before the learned ARC. The Order dated 03.01.2018 passed by this Court was also not disputed by the Respondent. Thus, even assuming that the Power of Attorney Holder could not have deposed with respect to matters exclusively within the personal knowledge of the Petitioner, the same would not render the entire finding of the learned ARC unsustainable, particularly when the finding is independently supported by documentary and other material available on record.

20. It is also relevant to note that the learned ARC has not returned its finding on the *bona fide* requirement of the Petitioner solely by

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Signing Date: 29/08/2026 16:10:43
RC.REV. 39/2023



2026:DHC:7210



proceeding on the existence of her medical condition. The learned ARC has considered the rival submissions concerning the requirement of the Petitioner to reside in Delhi for the purposes of medical treatment. The defence of the Respondent that the Petitioner, being a citizen of Thailand, ought to obtain treatment only in Thailand was specifically considered and rejected. The learned ARC, relying upon the applicable principles governing the assessment of a landlord's bona fide requirement, held that it is not for the tenant to dictate the manner or the place in which the landlord should reside or obtain medical treatment.

21. The learned ARC has further considered the contention that the Petitioner had only been undergoing routine check-ups in Delhi and did not require any specialised treatment or prolonged stay in the city. Upon consideration of the material before it, including the circumstances in which the Petitioner sought to reside in Delhi for the purposes of obtaining medical treatment, the learned ARC found the said defence to be unpersuasive. The learned ARC has also considered and rejected the allegation that the plea of medical necessity had been set up merely as a pretext for securing eviction of the Respondent and thereafter selling the tenanted premises.

22. Thus, the Impugned Judgment discloses a consideration of the material available on record and the respective pleas advanced by the parties. The conclusion regarding the bona fide requirement of the Petitioner is not based upon an isolated statement made by the Power of Attorney Holder, but upon an overall appreciation of the documentary material, the undisputed circumstances emerging from the record and the defence raised by the Respondent.



2026:DHC:7210



23. The argument advanced on behalf of the Petitioner would, in effect, require this Court to reappreciate the evidentiary material considered by the learned ARC and to arrive at a different conclusion as to the weight to be attached to such material. Such an exercise clearly falls outside the limited scope of jurisdiction exercisable by this Court under the proviso to Section 25B(8) of the DRC Act. As noticed hereinabove, this Court does not sit in appeal over the findings returned by the learned ARC and cannot substitute its own view merely because another view may be possible on the material available on record.

24. The Petitioner has been unable to demonstrate that the learned ARC has ignored any material evidence or taken into consideration any material which was wholly irrelevant or impermissible. Nor has it been demonstrated that the finding regarding the bona fide requirement of the Petitioner suffers from perversity, manifest illegality or any error apparent on the face of the record. The mere contention that a particular part of the evidence, namely the testimony of the Power of Attorney Holder concerning the medical condition of the Petitioner, ought not to have been relied upon cannot, in the facts of the present case, furnish a ground for interference when the finding of the learned ARC is otherwise supported by independent material on record.

25. It is further pertinent that the learned ARC has specifically noted that the Respondent had not categorically disputed the Petitioner's medical ailments. The controversy raised by the Respondent was primarily directed towards questioning the extent of the requirement and the necessity of obtaining treatment in Delhi. The



2026:DHC:7210



learned ARC, upon considering the said defence, has returned a reasoned finding that the Respondent cannot dictate to the Petitioner the place at which she should seek medical treatment or the manner in which she should arrange her residence for such purposes.

26. This Court, therefore, finds that the decision-making process adopted by the learned ARC does not suffer from any jurisdictional error, material irregularity or manifest perversity warranting interference in exercise of the revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act. The finding returned by the learned ARC with respect to the bona fide requirement of the Petitioner is based upon material available on record and constitutes a plausible view of the matter. This Court, in the exercise of its limited revisional jurisdiction, finds no ground to substitute such view with another.

27. Accordingly, this Court finds no merit in the present Revision Petition. The Impugned Judgment dated 09.11.2022 passed by the learned Additional Rent Controller, South-East District, Saket Courts, Delhi, in Eviction Petition being E. 101/2017, titled **“Gunita Gulati v. P.D. Adlakha”**, calls for no interference in exercise of the revisional jurisdiction of this Court under the proviso to Section 25B(8) of the DRC Act.

28. The present Petition, along with pending Application(s), if any, stands disposed of.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 25, 2026/tk/va

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RC.REV. 39/2023