



2026:DHC:8855



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IN THE HIGH COURT OF DELHI AT NEW DELHI**Date of decision: 07.10.2026**

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CNR No. DLHC010136032020

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RC.REV. 110/2020, CM APPL. 7127/2020 (Stay), CM APPL. 55942/2024 (For taking on record the copies of the order dt. 11.10.2019) & CM APPL. 55943/2024 (Ex. From filing certified copies)

PAWAN CHHABRA & ORS

.....Petitioners

Through: Mr.Ankur Mahendru and Ms. Simran, Advocates.
Ms. Yashika Suneja, Advocate.

versus

SANDEEP DAWAR

.....Respondent

Through: Mr. Digvijay Singh Jaswal,
Advocate.

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

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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 **Order dated 11.10.2019**² passed by the learned SCJ-cum-RC, Central District, Tis Hazari Courts, Delhi³ in the Eviction Petition, being E-77594/2016, titled "*Sandeep Dawar v. Pawan Chhabra & Ors.*"⁴.

¹ DRC Act

² Impugned Order

³ RC

⁴ Eviction Petition



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2. By way of the Impugned Order, the learned RC disallowed the Application seeking leave to defend filed on behalf of the Petitioners and, consequently, passed an Eviction Order in favour of the Respondent with respect to the tenanted premises, being **Shop No. 104, Gaffer Market, Karol Bagh, New Delhi**⁵.

SUBMISSIONS ON BEHALF OF THE PARTIES:

3. Learned counsel appearing on behalf of the Petitioners, at the outset, submits that the challenge to the Impugned Order is confined to findings returned by the learned RC upon the aspect of the *bona fide* requirement projected by the Respondent for his allegedly unemployed and dependent son in the Eviction Petition.

4. Learned counsel for the Petitioners submits that the aforesaid *bona fide* requirement projected by the Respondent is based upon false facts. It is submitted that the Respondent's son was already carrying on a business of selling ladies' purses from **Shop No. 152, Gaffar Market, Karol Bagh, New Delhi**⁶ and, therefore, the requirement projected for commencing a business of mobile accessories from the Subject Premises was not *bona fide*.

5. Learned counsel for the Petitioners submits that the said aspect of false averment with respect to Shop No. 152 and the ground of *bona fide* requirement based thereupon, as raised by the Respondent *vide* their Eviction Petition was specifically raised by the Petitioner in their Application seeking Leave to Defend, it would be submitted that, however, the same was not duly considered by the learned RC while

⁵ Subject Premises

⁶ Shop No. 152



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adjudicating the Respondent's claim of *bona fide* requirement.

6. Learned counsel for the Petitioners submit that the learned RC erred in observing that the Petitioners herein had not placed any documentary material in support of their assertion that Shop No. 152 is a suitable alternative accommodation for the bona fide need projected by the Respondent herein in their Eviction Petition, and also with respect to the aspect that the same is owned by the Respondent.

7. It is submitted that the aforesaid finding of the learned RC is erroneous insofar as the Respondent had himself disclosed the existence of Shop No. 152 in the Eviction Petition and had set out the manner in which its different portions were being occupied and used.

8. Learned counsel for the Petitioners therefore submits that the learned RC failed to properly consider the material already forming part of the pleadings while examining the defence of alternative suitable accommodation raised by the Petitioners, and failed to take into consideration the submission that the son of the Respondent was in fact employed and was carrying out business from Shop No. 152 and, therefore the *bona fide* projected for his requirement was false.

9. Learned counsel for the Petitioners submits that the aforesaid averments raised before the learned RC constituted triable issues and therefore their Application seeking leave to defend ought to have been allowed by the learned RC, and therefore submits that the Impugned Order be set aside and their leave to defend be granted.

10. **Per contra**, learned counsel appearing on behalf of the Respondent submits that the learned RC duly considered the issue of alternative accommodation and *bona fide* requirement. Learned counsel for the Respondent submits that the learned RC has



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specifically dealt with Shop No. 152. It is submitted that the learned RC correctly observed that the Petitioners had not furnished documentary proof in support of their assertions concerning the said property, or with regards to any existing business being carried by the son of the Respondent. Learned counsel for the Respondent, accordingly, submits that no ground for interference with the Impugned Order is made out.

11. No other submissions were advanced on behalf of learned counsel for the parties.

ANALYSIS:

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

13. 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.

14. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***⁷, ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***⁸, and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***⁹, 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

⁷ (1998) 8 SCC 119

⁸ (2014) 9 SCC 78

⁹ (2022) 6 SCC 30



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appellate jurisdiction.

15. 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.**¹⁰, and **Sanjeev Hiranandani v. Sunny Grover**¹¹.

16. 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.”

¹⁰ 2024:DHC:9322

¹¹ 2025:DHC:11285



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17. 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.

18. 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 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 Order 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.

19. 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 Order are required to be examined.

20. Before adverting to the facts of the present case and the challenged raised to the Impugned Order, this Court deems it apposite



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to reproduce the relevant portions of the Impugned Order. The same read as under:

“Alternative Suitable Accommodation:

16. Respondent no.3 in his affidavit, did not point out any commercial space which amounts to alternative suitable accommodation for the purpose of meeting out bonafide need of petitioner. He referred to property no. 152, Gaffar Market, Karol Bagh, New Delhi but did not file any documentary proof in support thereof. He did not give reason, as to why he had claimed that property no. 152, Gaffar Market, Karol Bagh, New Delhi belongs to petitioner. He did not mention as to what is the space in said property which is ‘sufficient accommodation’ for petitioner for meeting out his need. In fact respondent no.3 referred the fact that petitioner has ‘sufficient accommodation’ in his other commercial property bearing no. 152, Gaffar Market, Karol Bagh, New Delhi. As such Sec. 14(1)(e) DRC Act did not refer to ‘sufficient accommodation’. Said provision requires that landlord must not have alternative suitable accommodation for the purpose of his bonafide need. Respondent no.3 never referred the property no. 152, Gaffar Market, Karol Bagh, New Delhi as alternative suitable accommodation for the purpose of meeting out bonafide need of petitioner. Therefore no triable issue is found by me with respect to said aspect.

Bonafide Need:

17. Respondent no.2 simply challenged the bonafide need of petitioner by claiming that it is malafide and that petitioner wants to usurp property in question, based on bogus documents. As such said dispute raised by respondent no.2 did not make out any triable issue for the reason that bonafide need of petitioner, cannot be seen with criminal suspicion. Reliance in this regard is placed upon case law titled as John Impex Pvt. Ltd. Vs. Dr. Surender Singh & Ors., 135 (2006) DLT 265.”

21. A conjoint reading of the aforesaid findings of the learned RC shows that the defence raised by the Petitioners was considered in the context of both the *bona fide* requirement projected by the Respondent and the alleged availability of alternative accommodation at Shop No. 152. The two issues cannot be viewed in isolation in the facts of the present case, since the Petitioners rely upon the alleged business activities of the Respondent’s son from Shop No. 152 to contend that



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the requirement projected in the Eviction Petition was not genuine. The question, therefore, is whether the material placed before the learned RC disclosed a substantial factual basis for this assertion, warranting an opportunity to contest the Eviction Petition.

22. The Petitioners' case, in substance, is that the Respondent's son was already carrying on business from Shop No. 152 and, consequently, the requirement pleaded for commencing a business from the Subject Premises was not *bona fide*. However, the mere assertion that the Respondent's son was engaged in some business activity does not, by itself, establish that the requirement pleaded in the Eviction Petition was fictitious. For the said circumstance to assume significance in determining the *bona fides* of the requirement, it was necessary for the Petitioners to place some material demonstrating the nature and extent of the alleged business activity, being carried on from Shop No. 152, and the manner in which the said premises were available to the Respondent for meeting the requirement pleaded. The Impugned Order records that the Petitioners neither substantiated their assertion regarding the Respondent's ownership of Shop No. 152 nor was able to demonstrate that it could reasonably constitute suitable alternative accommodation.

23. Viewed conjointly, the aforesaid finding cannot be said to reflect any failure on the part of the learned RC to consider the defence raised by the Petitioners. The Impugned Order demonstrates that the learned RC examined the objection concerning Shop No. 152 and found that the Petitioners had failed to substantiate either that the said shop was owned by the Respondent or that it was otherwise available to him as reasonably suitable alternative accommodation and



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in the absence of any material establishing the Respondent's ownership of the said shop, the mere assertion that his son was carrying on business therefrom could not, by itself, furnish a basis for inferring that the Respondent had suitable alternative accommodation available to him. The alleged business activity of the Respondent's son, without establishing the Respondent's ownership of, or entitlement to use, the premises, was insufficient to raise a triable issue. The learned RC was, therefore, justified in declining to treat the said assertion as a ground warranting grant of leave to defend. The Petitioners have not demonstrated that any material circumstance was overlooked or that the learned RC proceeded on a legally untenable premise in arriving at this conclusion. Their challenge, in substance, seeks a fresh assessment of the same assertions and an inference different from that drawn by the learned RC, which does not warrant interference in exercise of the limited revisional jurisdiction of this Court.

24. This Court is conscious that, at the stage of considering an Application seeking leave to defend, a tenant is not required to conclusively establish the defence sought to be raised. However, the mere raising of an allegation does not, by itself, entitle a tenant to leave to defend; the pleaded facts and the material placed in support thereof must disclose a triable issue of substance. In the present case, the Petitioners have not demonstrated how the alleged business activity at Shop No. 152, read with the material concerning the availability and suitability of the said premises, rendered the finding of *bona fide* requirement so unreasonable or perverse as to warrant interference in revision.



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25. Consequently, this Court finds no infirmity in the decision-making process adopted by the learned RC warranting interference under the *proviso* to Section 25-B(8) of the DRC Act. The Impugned Order does not disclose any jurisdictional error, material irregularity or perversity in the consideration of the Petitioners' objections concerning the *bona fide* requirement and alternative suitable accommodation.

DECISION:

26. Accordingly, the present Petition, being *sans* merit, stands dismissed.

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

28. In view of the foregoing, the Registry is directed to release to the Respondent, within a period of four (04) weeks from today, the entire amount deposited by the Petitioner towards user and occupation charges, along with the interest accrued thereon, if any.

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 7, 2026/v/DJ