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

Date of decision: 25.08.2026

CNR No. DLHC010145712026

+ **RC.REV. 116/2026 & CM APPL. 57616/2026 (For preponement of date of hearing on behalf of petitioner)**

MOHD ILIYAS AND ORS

.....Petitioners

Through: **Mr. Anurag Bindal, Mr. Ankur Gupta & Mr. Mohd.Uwaiz, Advs.**

versus

SH AHMAD HASAN

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (Oral)**

1. The present Rent Control Revision Petition has been filed under Section 25 B (8) of **the Delhi Rent Control Act, 1958¹**, seeking to assail the **Eviction Order dated 05.02.2026²** passed by **learned ARC, Central District, Tis Hazari Courts, Delhi³** in RC ARC No. 468/2023 titled as *"Ahmad Hasan v. Mohd. Iliyas & Others."*

2. Learned counsel appearing for the Petitioners confines his challenge to the judgment to two aspects.

3. The first contention pertains to the issue of *bona*

¹ DRC Act

² Impugned Judgement



fide requirement. Learned counsel submits that the Respondent has failed to disclose any cogent or sufficient reason for shifting from the considerably larger premises presently occupied by him, along with his daughter, to the comparatively smaller subject premises.

4. Learned counsel further submits that the Respondent's daughter, in any event, has independent accommodation available to her. It is, therefore, contended that no justification has been shown for her to shift along with the Respondent to the comparatively smaller subject premises.

5. The second point that is sought to be raised relates to the availability of suitable alternate accommodation.

6. Learned counsel for the Petitioners submits that one of the main issues is with respect to the property which is set out at Serial No. 7 of the tabular column in the impugned order wherein it is stated that the said property is another number for the property which is mentioned at Serial No. 1 of the tabular column.

7. He would fairly submit that he does not assail the findings in respect of the properties having been sold except to the extent that it would require to be seen and proven as to when the properties were actually sold, which raises a triable issue.

8. Learned counsel for the Petitioners also submits that the learned ARC has wrongly shifted the onus to prove the various facts upon the Petitioner despite having been able to make a *prima facie* case.

9. He therefore submits that there are triable issues and the impugned order, having not dealt with the same, needs to be set aside and the matter sent back.

³ Learned ARC



10. No other submissions were advanced by the learned counsel for the Petitioner.

ANALYSIS:

11. This Court has heard the learned counsel appearing for the Petitioners and with his able assistance perused the material on record.

12. 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.

13. 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.

14. 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.

15. In *Abid-Ul-Islam*(supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25B of the DRC Act, observed that the omission of an appellate remedy against

⁴(1998) 8 SCC 119

⁵(2014) 9 SCC 78

⁶(2022) 6 SCC 30

⁷2024:DHC:9322



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.”

16. 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

⁸ 2025:DHC:11285



absence of adjudication warranting interference.

17. 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.

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

19. This Court, having heard learned counsel for the Petitioner, takes note of the consideration accorded by the learned ARC to the exact points raised in oral submissions before this Court. The same reads as follows:

“B. BONA FIDE NEED:-

13. The petition has been filed for the residential bona fide need of the petitioner. The petitioner is stated to be currently residing at the property situated at 840, Katra Hiddu, Farashkhana, Delhi-110006 with his sons' families, who are not providing proper care and protection to the petitioner despite the petitioner suffering from heart related health issues and breathing problems.

14. It has been specifically mentioned in the petition that the



petitioner wishes to now shift, along-with his daughter's family, to the tenanted premises so that he can be looked after by his daughter for the rest of his life. It has been further submitted that the petitioner's daughter is living with her husband and three minor sons in a rented accommodation nearby, which is stated to be a one room accommodation. It has been further averred that the sons of the petitioner and their family do not have cordial relations with the petitioner as well as the petitioner's daughter, and there have been confrontations between them whenever the petitioner's daughter visits him for his daily care and needs.

15. It has been further averred that the daughter of petitioner visits the petitioner for few hours on a daily basis to take care of the petitioner and accordingly, the petitioner now wishes to shift with her in the tenanted premises in question to avoid any daily confrontation between him and his sons' families.

16. In respect of the question of bona fide requirement, it is a settled law that the court must presume the bona fide requirement of the landlord and that the burden to refute the said presumption squarely lies on the tenant. A mere assertion on the part of the tenant is insufficient. It was held in Sarla Ahuja v. United India Insurance Co. Ltd., (1998) 8 SCC 119 that:

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."

17. Similar observations made in case of Baldev Singh Bajwa v. Monish Saini, (2005) 12 SCC 778 are as under:

A heavy burden lies on the tenant to prove that the requirement is not genuine. The tenant is required to give all the necessary facts and particulars supported by documentary evidence if available to prove his plea in the affidavit itself so that the Controller will be in a position to adjudicate and decide the question of genuine or bona fide requirement of the landlord; a mere assertion on the part of the tenant would not be sufficient to rebut the strong presumption in the landlord's favour that his requirement of occupation of the premises is real and genuine.

18. On the aspect of bona fide requirement, the respondents have



2026:DHC:7185



averred in the leave to defend application that the petitioner has only filed medical papers pertaining to the year 2019 and 2020, and no further medical treatment papers have been brought on record. Further, it has been submitted that as per the prescription, the petitioner has Asthma for 25 years and it does not mention any alarming health situation. Further, it has been submitted that it has been wrongly averred that the daughter of the petitioner has left her job to take care of the petitioner and that the daughter of the petitioner is carrying on her profession as a clinical nutritionist at Gagan Vihar, Delhi and also at Hauz Khas, New Delhi. Further, it has been submitted that the daughter of the petitioner is residing with her husband at 1969, Gali Wali Baig, Mohalla Qabristan, Turkman Gate, Delhi-110006, which is a three floor built up structure. Accordingly, it has been submitted that the daughter is not dependent upon the petitioner and a false story has been concocted to grab the tenanted premises in question. Lastly, it has been submitted that the tenanted premises is only a one room premises which is in dilapidated condition, and it is highly unlikely that the petitioner, who is used to living in a huge area of 200 sq. yds. will shift to the tenanted premises.

19. The law in relation to 'dependents' is well settled. The Hon'ble Supreme Court in Joginder Pal v. Naval Kishore Behal, (2002) 5 SCC 397, has clarified that the expression "for his own use" under section 14(1)(e) of the DRC Act must receive a liberal construction to include a wife, husband, children, married sons and daughters, widowed daughter, sister, nephew and other kith and kin of the landlord, provided two tests are satisfied: (i) whether the requirement of such person can be considered to be the requirement of the landlord, and (ii) whether there exists a close inter-relation or identity nexus with the landlord. Furthermore, it is settled law that in the context of the DRC Act, dependency is not financial but for accommodation (see Labhu Lal v. Sandhya Gupta (2010) 119 DRJ 599; Bhupinder Singh Bawa v. Asha Devi (2016) 10 SCC 209). Thus, merely because a family member may be financially independent does not prevent any other family member from seeking eviction of the tenant for the requirement of such a financially independent member of the family (see Hari Shanker Rastogi v. Allahabad Bank, 2017 SCC OnLine Del 11158).

20. Based on the aforesaid position of law, it is evident that the petitioner can maintain an eviction petition to live with his daughter as long as the said daughter is dependent upon the petitioner for the purpose of accommodation, and her financial dependence is not relevant. Therefore, in order to show that the daughter of the petitioner is not dependent upon the petitioner, the respondents were required to show that she has independent

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residential accommodation in her name. However, it has been specifically pleaded by the petitioner that his daughter is currently living in a rented accommodation with her husband. The respondents have not filed any documents to show that the current residential premises of the daughter of the petitioner is owned by the petitioner/his daughter/daughter's husband. Therefore, there is no cogent material to show that the daughter of the petitioner is not dependent upon the petitioner for the purpose of residential accommodation. Further, in any case, it is not the case of the petitioner that he needs the tenanted premises only for his daughter. In fact, the petitioner wishes to shift to the tenanted premises himself and reside there with his daughters that she can take care of his health. Therefore, the bona fide residential need is of the petitioner as well as his daughter.

Therefore, the ground regarding dependency raised by the respondents is not tenable.

21. Secondly, the vocation of the daughter of the petitioner is also not relevant since the need is residential, and her commercial endeavours have nothing to do with the residential need of the petitioner. In any case, even if the requirement would have been commercial, the mere factum of her being gainfully employed would not affect the bona fide nature of the petition. In this regard, it is a settled position of law that the petitioner/his dependent is not required to sit idle while the eviction petition drags on for years. The law is well settled that the present occupation or business activity of the landlord does not disentitle them from seeking eviction for establishing a separate and independent venture. In Raghunath G. Panhale v. Chaganlal Sundarji and Co., (1999) 8 SCC 1, the Hon'ble Supreme Court has categorically observed:

“Joblessness is not a condition precedent for seeking to get back one's premises. For that matter assuming the landlord was in a job and had not resigned it or assuming that pending the long-drawn litigation he started some other temporary water business to sustain himself, that would not be an indication that the need for establishing a grocery shop was not a bona fide or a reasonable requirement or that it was motivated or was a mere design to evict the tenant.”

22. Next, no triable issue can be raised on the basis that the petitioner is unlikely to shift to the tenanted premises, which is dilapidated and cramped for room, since the petitioner is used to living in huge spaces. The Hon'ble Supreme Court has repeatedly held that the landlord is the best judge of the nature, extent and manner of their requirement, and that they cannot be thrust with



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the opinion of the tenant or the Court (see *Prativa Devi v. T.V. Krishnan* (1996) 5 SCC 353, *Shiv Sarup Gupta v. Dr. Mahesh Chand Gupta* (1999) 6 SCC 222, *Ragavendra Kumar v. Firm Prem Machinery & Co.* (2000) 1 SCC 679 and *Siddalingamma v. Mamtha Shenoy* (2001) 8 SCC 561). The principles established in the aforesaid judgments were succinctly summarized in *Dharampal v. Chaudhary Ram Chander*, 2017 SCC OnLine Del 12980, in the following manner:

(a) the landlord is the best judge of his requirement; (b) he has complete freedom in the matter, (c) it is no concern of the Courts to dictate to the landlord how and in what manner he should use his property or to prescribe a standard therefor; (d) there is no law which deprives a landlord of beneficial enjoyment of his property; (e) the Court would permit the landlord to satisfy the proven need by choosing the accommodation which the landlord feels would be most suited for the purpose; (f) the Court will not thrust its own wisdom upon the choice by the landlord by holding that not one but the other accommodation must be accepted by the landlord to satisfy his need; (g) the Judge, should place himself in the place of the landlord and then answer whether the bona fide requirement is outcome of a sincere, honest desire, instructed by realities of life; and, (h) the law does not command or compel the landlord to squeeze himself and dwell in lesser premises so as to protect the tenant's continued occupation.

23. Accordingly, the bona fide need of the petitioner cannot be doubted on this apprehension of the respondents. In any case, Section 19 of the DRC Act empowers the tenant to seek re-entry it, after eviction on the ground of bona fide requirement, the landlord does not occupy the premises or uses it for a different purpose within the statutory period. If the landlord fails to occupy the premises, the tenant is not without remedy

24. Lastly, no triable issue can be raised on the ground that the petitioner has been unable to show any health emergency because of which he needs to shift to the tenanted premises along-with his daughter. As noted above, landlord is the best judge of his own requirement. In any case, once the petitioner has pleaded on oath his bona fide need, a presumption of genuineness arises and it is for the respondents to show that the bona fide need is not genuine. Apart from a bald assertion that the petitioner is not seriously ill, the respondents have not furnished any material to refute the bona fide need of the petitioner. It is pertinent to note that the petitioner is almost 85 years old and he wishes to reside with his daughter so that she can take care of his health. Leave to defend application

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cannot be granted on a vague ground that the petitioner ought to have furnished medical documents to show any health emergency.

25. Therefore, the respondents have not been able to raise any tenable objection with respect to the bona fide need of the petitioner. Therefore, no triable issue is raised with respect to the aspect of bona fide requirement.”

(emphasis supplied)

20. Having considered the submissions advanced on behalf of the Petitioners and the reasoning contained in the Impugned Judgment, this Court finds no ground warranting interference in exercise of its limited revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act.

21. Insofar as the first contention concerning the *bona fide* requirement of the Respondent is concerned, the learned ARC has considered each of the objections raised by the Petitioners. The case of the Respondent, as pleaded in the eviction petition, is that he is an elderly person suffering from certain health ailments and presently resides with the families of his sons, with whom he does not enjoy cordial relations. The Respondent has expressed his desire to reside with his daughter and her family so as to enable her to look after him during his old age.

22. The submission of the Petitioners that the Respondent presently resides in a comparatively larger accommodation and, therefore, his expressed desire to shift to the subject premises, which are comparatively smaller, cannot be accepted as giving rise to a triable issue. The suitability of an accommodation and the manner in which a landlord proposes to organise his residential life cannot ordinarily be dictated by a tenant. The law is well settled that the landlord is the best judge of his residential requirements and of the manner in which such



requirements are to be fulfilled. Merely because the Petitioners perceive the existing accommodation of the Respondent to be larger or more spacious does not render the Respondent's decision to reside in his own premises along with his daughter and her family lacking in *bona fides*.

23. Significantly, the requirement asserted by the Respondent is not merely for occupation of the subject premises as an alternative residence. The requirement is founded upon his desire to reside in the company and care of his daughter and to avoid the difficulties arising from the existing living arrangement with the families of his sons. Such a requirement is inherently a matter concerning the personal comfort, convenience and residential choice of the landlord. It is not for the tenant or the Court to determine that the Respondent should continue residing in his existing accommodation merely because, in the opinion of the Petitioners, the same is more spacious.

24. The contention that the Respondent has failed to establish any immediate medical emergency is equally misconceived. A landlord seeking eviction on the ground of *bona fide* requirement is not required to establish the existence of a medical emergency before he can seek to reside in his own premises. The Respondent is not required to wait for his health condition to deteriorate to an extent constituting an emergency before making appropriate residential arrangements for his comfort and care. The learned ARC has rightly taken into consideration the age of the Respondent and his expressed desire to reside with his daughter so as to receive her care and assistance.

25. The objection concerning the alleged availability of



independent accommodation to the Respondent's daughter has also been duly considered by the learned ARC. The learned ARC has noted that the Petitioners failed to place any cogent material on record demonstrating that the premises presently occupied by the daughter of the Respondent are owned by her or by her husband. On the contrary, the case of the Respondent is that his daughter presently resides with her family in rented accommodation.

26. In any event, the requirement projected in the present case is not exclusively that of the daughter. The Respondent himself seeks to occupy the subject premises and proposes to reside therein with his daughter and her family. Therefore, even assuming that the daughter is financially independent or engaged in her own vocation, the same would not, by itself, discredit the *bona fide* residential requirement of the Respondent. As rightly observed by the learned ARC, dependency in the context of Section 14(1)(e) of the DRC Act cannot be examined solely through the prism of financial dependence.

27. The submission that the Respondent's daughter has an independent accommodation available to her is, therefore, of no assistance to the Petitioners in the absence of any material establishing such independent ownership or availability. A bald assertion in this regard, without supporting material, could not have constituted a triable issue warranting the grant of leave to defend.

28. This Court further finds that the learned ARC has not accepted the case of the Respondent merely on the basis of a bare assertion. The Impugned Judgment records the specific circumstances pleaded by the Respondent, including his age, his existing residential arrangement, the asserted lack of cordial relations with the families of his sons, and



his desire to reside with his daughter so that she may take care of him. The learned ARC thereafter examined the objections raised by the Petitioners and found that the same were either unsupported by material or did not, in law, detract from the genuineness of the requirement asserted.

29. The Petitioners' second submission relates to the alleged availability of suitable alternative accommodation, particularly the assertion that even though certain properties have been stated to be sold, the same have to be verified, which, according to the Petitioners, is an aspect requiring further examination and raises a triable issue.

30. This submission also does not persuade this Court to interfere with the Impugned Judgment. The learned counsel for the Petitioners has fairly stated that the findings of the learned ARC concerning the properties which had already been sold are not being substantively assailed, except on the limited ground that the precise time when such properties were sold required to be established. However, the mere assertion that further inquiry may be required as to the date of sale of certain properties cannot, by itself, constitute a triable issue. The Petitioners were required to place before the learned ARC specific and cogent material demonstrating that any particular property was available to the Respondent as suitable alternative accommodation at the relevant time.

31. The grant of leave to defend cannot be founded upon a speculative possibility that, upon a further inquiry, some material may emerge which could potentially support the defence of the tenant. The burden upon the tenant is to disclose such facts as would, if established, disentitle the landlord from obtaining an eviction order. A



vague assertion regarding the necessity of further verification, without any substantive material indicating the availability of a suitable alternative accommodation, does not satisfy this requirement.

32. Further, the submission that the learned ARC wrongly shifted the burden upon the Petitioners is also without merit. Once the Respondent had disclosed the circumstances constituting his asserted *bona fide* requirement and had explained the position concerning the properties attributed to him, it was incumbent upon the Petitioners to substantiate their contrary assertions with some cogent material. The learned ARC has merely assessed whether the facts disclosed by the Petitioners were sufficient to raise a triable issue and has found that the assertions concerning alternative accommodation remained unsupported by material capable of displacing the *prima facie* case established by the Respondent.

33. It is well settled that the requirement of raising a triable issue does not mean that every assertion made by a tenant in an application seeking leave to defend must necessarily result in the grant of leave. The issue raised must be real, substantial and supported by such material as would, if established, disentitle the landlord from obtaining an eviction order. The learned ARC was, therefore, justified in declining leave where the assertions of the Petitioners were found to be unsupported, vague or legally inconsequential.

34. This Court also finds that the objections raised before this Court substantially traverse the very grounds which were specifically considered and dealt with by the learned ARC in the Impugned Judgment. The learned ARC has undertaken a detailed consideration of the Respondent's *bona fide* requirement, the alleged dependency



and accommodation of his daughter, the objection concerning the size and condition of the subject premises, and the allegations regarding the availability of alternative accommodation. The reasoning cannot be said to suffer from any non-consideration of a material plea or from any error apparent on the face of the record.

35. The endeavour of the Petitioners, in substance, is to invite this Court to re-appreciate the material on record and arrive at a conclusion different from that reached by the learned ARC. Such an exercise would clearly travel beyond the limited scope of the jurisdiction vested in this Court under the proviso to Section 25B(8) of the DRC Act. Merely because another view may possibly be taken on the material placed on record would not justify interference in revisional jurisdiction.

36. No jurisdictional error, material irregularity, perversity or manifest illegality in the decision-making process of the learned ARC has been demonstrated before this Court. Nor has it been shown that any material contention of the Petitioners was left unadjudicated. The conclusions arrived at by the learned ARC are based upon a consideration of the pleadings and material placed on record and cannot be characterised as unreasonable or unsupported by law.

37. In view of the aforesaid discussion, this Court finds no merit in either of the grounds urged by the Petitioners. The Petitioners have failed to demonstrate the existence of any triable issue which was wrongly rejected by the learned ARC or any error in the Impugned Judgment warranting interference under the proviso to Section 25B(8) of the DRC Act. The Impugned Judgment, therefore, calls for no interference.



38. In view thereof, the present Petition alongwith all pending application(s), if any, stands dismissed.

39. The next date of hearing i.e., 05.10.2026 stands cancelled.

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