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

Date of decision: 17.08.2026

CNR No. DLHC010258542019

+ **RC.REV. 359/2019**

RAVI KANTA MADHOK (SINCE DECEASED) THR LRS

.....Petitioner

Through: **Mr. Mithilesh Kumar Singh,
Mr. Tarun Verma and Mr.
Ashutosh Kumar Singh,
Advocates.**

versus

BAL KRISHAN KHANNA & ANR **.....Respondents**

Through: **Mr. Dhruv Chawla and Mr.
Huzaifa Ibrahim, Advocates.**

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CNR No. DLHC010258532019

+ **RC.REV. 361/2019**

RAVI KANTA MADHOK (SINCE DECEASED) THR LRS

.....Petitioner

Through: **Mr. Mithilesh Kumar Singh,
Mr. Tarun Verma and Mr.
Ashutosh Kumar Singh,
Advocates.**

versus

RAJESH WADHWA & ORS **.....Respondents**

Through: **Mr. Dhruv Chawla and Mr.
Huzaifa Ibrahim, Advocates.**

CORAM:

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

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JUDGEMENT (Oral)

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1. The present **Revision Petitions**¹ have been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958**², assailing the **Judgments and final Orders dated 04.05.2019 and 07.05.2019**³ respectively, passed by the learned **Additional Rent Controller, West, Tis Hazari Courts, Delhi**⁴, in **ARC No. 55 of 2018 and 56 of 2018**⁵, titled “*Smt. Ravi Kanta Madhok (since deceased) thr. LRs. v. Bal Krishan Khanna*”, and “*Smt. Ravi Kanta Madhok (since deceased) thr. LRs. v. Sh. Rajesh Wadhwa & Anr.*”, respectively, whereby the respective Eviction Petitions filed under Section 14(1)(e) of the DRC Act came to be dismissed in respect of **Shop No. 1 and Shop No. 3, respectively, situated on the ground floor of Property No. 11/4, West Patel Nagar, New Delhi**⁶.

2. Learned counsel for the parties are *ad idem* that although the present Petitions arise from two separate Eviction Petitions, being ARC No. 55 of 2018 and ARC No. 56 of 2018, and the respective Impugned Orders passed therein, the matters are substantially identical in their factual and legal background; both Eviction Petitions concern the *bona fide* requirement pleaded by the Petitioner in respect of the subject premises, and eviction was sought under Section 14(1)(e) of the DRC Act; the grounds urged by the respective Respondents in their respective proceedings are also substantially common, and the findings returned by the learned ARC in the Impugned Orders are, *mutatis mutandis*, identical.

3. Learned counsel appearing on behalf of the Petitioner, at the

¹ Petitions

² DRC Act

³ Impugned Orders

⁴ learned ARC

⁵ Eviction Petitions

⁶ Subject premises



outset, confines his challenge to the Impugned Orders to the sole issue as to whether, having noticed that the Petitioner's son and daughter-in-law had a large list of clients, the learned ARC was justified in concluding that the *bona fide* requirement pleaded by the Petitioner stood satisfied merely on account of a shop having become available during the pendency of the proceedings, which was thereafter being utilised by the Petitioner's family for the very purpose for which the subject premises were sought.

4. Learned counsel appearing on behalf of the Petitioner submits that the aforesaid conclusion suffers from a manifest error, inasmuch as the list of clients placed on record would demonstrate that the volume of work being undertaken by the Petitioner's son and daughter-in-law is substantial and, therefore, the availability of the said shop cannot, by itself, be treated as satisfying the *bona fide* requirement for which the subject premises were sought.

5. **Per contra**, learned counsel appearing on behalf of the Respondents supports the Impugned Orders and submits that there is no infirmity in the conclusion arrived at by the learned ARC.

6. He submits that the contention raised by the Petitioner essentially seeks a re-appreciation of the material and evidence already considered by the learned ARC, which is impermissible within the limited scope of revisional jurisdiction under Section 25-B(8) of the DRC Act.

7. This Court has heard learned counsel appearing on behalf of the parties and, with their able assistance, has perused the relevant documents placed on record as also the Impugned Orders.

8. 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.

9. 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 appellate jurisdiction.

10. 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.

11. 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:

⁷ (1998) 8 SCC 119

⁸ (2014) 9 SCC 78

⁹ (2022) 6 SCC 30

¹⁰ 2024:DHC:9322



“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.”

12. 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.

13. 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

¹¹ 2025:DHC:11285



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.

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

15. The relevant portion of the Impugned Order passed in RC.REV. 55/2018, whereby the learned ARC rejected the Petition filed by the Petitioner, is reproduced hereinbelow. The corresponding findings returned in the Impugned Order passed in RC.REV. 56/2018 are, *mutatis mutandis*, the same:

“(iii) & iv). Bonafide requirement/alternative accommodation :-

14. In compliance with the order of Hon'ble High Court, this court recorded further evidence on the specific aspects as directed by the Hon'ble High Court. I have carefully gone through the additional evidence recorded on the specific points as well as the evidence recorded earlier.

15. It is expedient to mention the relevant portion of evidence of PW-2 Sh. Vishan Madhok which is as under:-

"It is correct that my family consists of myself, my wife and my son. It is also correct that we are living together. It is also correct that there is no dispute amongst ourselves. It is correct that I have got the possession from the tenant Ms. Leela Singh, who was occupying the same at the ground floor back portion.

It is correct that during the pendency of the present petition, I have received the possession of shop no. 2, which was occupied by the tenant Mr. Sanjeev Sood.

At this stage, the witness is shown two photographs from the court record and is asked that have you opened the LIC office/other Insurance office at shop No. 2.

The witness replies that it is correct. I have opened the LIC office/other insurance office at shop No. 2. Two photographs showing the same which the witness



identifies and are Ex. PW-2/R-1 and PW-2/R-2.

The area of shop no. 2 is 9'X14'. It is correct that I have taken out the space for going to the back portion. (Vol. The door has been opened only for the purpose of using the toilet)."

16. **Perusal of testimony of PW-2 shows that he has obtained the possession of shop no. 2 which was under the tenancy of Sh. Sanjiv Sood. PW2 has also admitted that he has opened the LIC and other Insurance Office in shop no.2 as shown in photograph Ex.PW2/R-1. Moreover, it is also admitted by the PW-2 that size of the shop no.2 is 9 X.14. Record also shows that size of the tenanted premises is also 9 X14.3 which is situated at the ground floor. Moreover, it is also undisputed fact that shop no. 2 and tenanted premises are on the ground floor in the same property. Moreover, it is also admitted fact by the PW-2 that the family of the PW-2 consists of himself, his wife and son. It is pertinent to mention that petition was filed by the petitioner Smt. Ravi Kanta Madhok for bonafide requirement of herself and her dependent family members. But during the pendency of the proceedings, the petitioner passed away. Moreover, it is also admitted fact that all the remaining three members of the family are living together amicably without any dispute.**

As such, record manifestly shows that the Bonafide commercial requirement of the son, daughter- in- law and grandson of the petitioner (Smt. Ravi Kanta Madhok) has already been satisfied as the LIC Office which was required to be opened in the tenanted premises has already been opened by the son of the petitioner in the shop no.2 which was vacated during the pendency of present proceedings by Sh. Sanjiv Sood. **Moreover, it was not the case of the petitioner or her family members that they want to open separate Individual offices in the tenanted premises.** They merely required the tenanted premises for opening the LIC offices. **As such, bonafide requirement of all i.e. son, daughter-in- law and grandson are satisfied.**

Moreover, I have also gone through the testimony of PW-5 daughter- in- law of petitioner, who has also deposed almost the same facts as deposed by PW2.

PW-5 Smt. Vijay Laxmi deposed that :-

" It is correct that my family consists of myself, my husband and my son. It is also correct that we are living together. It is also correct that there is no dispute amongst ourselves. It is correct that my husband has got the



possession from the tenant Ms. Leela Singh, who was occupying the same at the ground floor back portion.

It is correct that during the pendency of the present petition, my husband has received the possession of shop no.2, which was occupied by the tenant Mr. Sanjeev Sood.

At this stage, the witness is shown two photographs from the court record and is asked that have you opened the LIC office/other Insurance office at shop No. 2.

The witness replies that it is correct. I have opened the LIC office/other insurance office at shop No. 2. Two photographs showing the same which the witness identifies and are Ex. PW-2/R-1 and PW-2/R-2.

The area of shop no. 2 is 9'X14'. It is correct that I have taken out the space for going to the back portion. (Vol. The door has been opened only for the purpose of using the toilet)."

17. As such, testimony of PW-5 also corroborates the facts disclosed by PW-2.

PW-6 Sh. Vivek Madhok deposed that :-

"It is correct that my family consists of myself, my mother and my father. It is also correct that we are living together. It is also correct that there is no dispute amongst ourselves. It is correct that my husband has got the possession from the tenant Ms. Leela Singh, who was occupying the same at the ground floor back portion.

It is correct that during the pendency of the present petition, my father has received the possession of shop no.2, which was occupied by the tenant Mr. Sanjeev Sood.

At this stage, the witness is shown two photographs from the court record and is asked that have you opened the LIC office/other Insurance office at shop No. 2.

The witness replies that it is correct. I have opened the LIC office/other insurance office at shop No. 2. Two photographs showing the same which the witness identifies and are Ex. PW-2/R-1 and PW-2/R-2.

The area of shop no. 2 is 9'X14'. It is correct that I have taken out the space for going to the back portion. (Vol. The door has been opened only for the purpose of using the toilet)."

18. Record was summoned which was produced by Sh. Pawan Kumar, Assistant Branch Manager, L.I.C. of India (He was inadvertently again mentioned as PW-6), who brought the client list of L.I.C. agent in respect of Sh. Vishan Madhok marked as Mark- A and in the client list regarding Smt. Vijay Laxmi marked



as Mark- B.

PW-7 Sh. Ajit Kumar Singh, Sr. Divisional Manager, Sriram Life Insurance, Office No. 1005, Vikrant Tower, 10th floor, Rajendra Place, New Delhi-110008 was also examined who produced the documents Ex. PW-1/7A (offer letter), PW-1/7B (Client list) and Ex. PW-1/C (Authority letter).

19. I have carefully gone through the documents Mark-A and Mark- B which are claimed to be for the year 2004 to 2018. The client list was placed on record which shows there is a large number of clients of L.I.C of the son and daughter-in-law of the petitioner but as observed earlier that the bonafide requirement of son and his family has already been satisfied after obtaining the possession of shop no. 2 vacated by Sh. Sanjeev Sood and there is no advantage to prove this fact. Furthermore, testimony of PW-6 Sh. Vivek Madhok is also the same as those of PW-2 and PW-5.

As such, record manifestly shows that the requirement of petitioner's family has already been satisfied. **As far as residential bonafide requirement of the petitioner is concerned, it is undisputed fact that petitioner Smt. Ravi Kanta Madhok has already passed away.** As such, no bonafide residential requirement of petitioner exists now.

20. In view of discussion earlier, the petitioner has not been able to prove all the ingredients of Section 14(l)(e) of DRC Act. Consequently, **eviction petition is dismissed.**"

(emphasis supplied)

16. A perusal of the aforesaid findings would reveal that the learned ARC has considered the very issue which is sought to be reiterated before this Court. The finding is principally founded upon the admitted position emerging from the evidence that, during the pendency of the proceedings, Shop No. 2, which was earlier under the tenancy of Sh. Sanjeev Sood, came to be vacated and possession thereof was obtained by the family of the Petitioner. It has further been noticed that the said shop is situated on the ground floor of the same property and measures 9' x 14', which is substantially the same size as the respective subject premises.

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17. More importantly, the learned ARC has taken note of the categorical admissions, made by Petitioner's Son, Petitioner's Daughter-in-Law and the Petitioner's Grandson, that the LIC/insurance office, for which the subject premises had been sought, had in fact been opened in the said Shop No. 2. The photographs placed on record were also identified by the witnesses in support of the said position. The aforesaid evidence was further considered along with the fact that the family members of the Petitioner were residing together and that there was no dispute amongst them.

18. On the basis of the aforesaid material, the learned ARC concluded that the commercial requirement pleaded on behalf of the Petitioner's son, daughter-in-law and grandson had already been satisfied.

19. The contention now urged on behalf of the Petitioner that the client lists produced on record disclose a substantial volume of work has also not escaped consideration. The learned ARC has specifically taken note of the client lists produced through Sh. Pawan Kumar, Assistant Branch Manager, L.I.C. and Sh. Ajit Kumar Singh, Sr. Divisional Manager, Sriram Life Insurance and has accordingly recorded that the same demonstrate that the son and daughter-in-law of the Petitioner had a large number of clients. However, the learned ARC has thereafter proceeded to consider the effect of the said material in the context of the subsequent event, namely, the availability of Shop No. 2 and its actual utilisation for the very purpose for which the subject premises had been sought.



20. This Court finds no merit in the aforesaid contention. The mere fact that the son and daughter-in-law of the Petitioner had a large number of clients cannot, by itself, establish that the subject premises continued to be *bona fide* required once the premises which had become available during the pendency of the proceedings were actually being utilised for the very purpose pleaded in the Eviction Petitions. The relevant consideration is not merely the volume of work being undertaken, but whether the requirement for the particular premises continues to subsist in the facts and circumstances brought on record.

21. In the present case, the subsequent availability of Shop No. 2 assumes significance since it is not a case where some unrelated or unsuitable accommodation became available. The said shop is situated in the same property, on the same ground floor, has substantially the same dimensions as the subject premises and, most importantly, has admittedly been put to the very use for which the subject premises were sought. The finding that the commercial requirement stood satisfied is, therefore, founded upon the evidence led by the Petitioner's own witnesses and not upon any mere assumption regarding the availability of an alternative premises.

22. The fact that the client lists disclose a substantial volume of work does not, in itself, demonstrate that an additional premises of the nature of the subject premises were thereafter required. No material has been pointed out to this Court from which it could be concluded that, notwithstanding the availability and actual utilisation of Shop No. 2, the family of the Petitioner continued to have a requirement for the subject premises for the same purpose. The submission, therefore,



essentially seeks this Court to re-appreciate the evidence and to draw a different inference from the client lists, despite the fact that the said material was specifically considered in the Impugned Orders.

23. Insofar as the residential requirement of the original Petitioner is concerned, the learned ARC has also noticed that Smt. Ravi Kanta Madhok had passed away during the pendency of the proceedings and, consequently, no subsisting residential requirement could be attributed to her. No separate or independent ground has been urged before this Court to assail the said finding.

24. Thus, the findings returned by the learned ARC are based upon the evidence led by the parties, including the admissions of the Petitioner's own witnesses, the photographs of Shop No. 2 and the material relating to the client lists. The very contention which is now sought to be urged, namely, that the large client base demonstrates a continuing requirement for the subject premises, was before the learned ARC and was considered, but was not found sufficient to displace the effect of the admitted subsequent event.

25. This Court, therefore, finds no merit in the contention urged on behalf of the Petitioner. What is sought before this Court is essentially a re-appreciation of the evidence and a substitution of the conclusion arrived at by the learned ARC with another possible view. Such an exercise would fall outside the limited scope of the revisional jurisdiction under the proviso to Section 25-B(8) of the DRC Act.

26. Consequently, this Court finds no perversity, illegality, material irregularity or error apparent on the face of the record in the Impugned Orders warranting interference. The finding that the *bona fide*



requirement pleaded by the Petitioner stood satisfied upon the availability and utilisation of Shop No. 2 is a conclusion supported by the material on record and does not call for revisional interference.

27. Accordingly, the present Petitions, being devoid of merit, stand dismissed.

28. The present Petitions, along with pending application(s), if any, stand disposed of in the aforesaid terms.

29. A photocopy of the Judgment be kept in the connected matter.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 17, 2026/nd/jk

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