



2026:DHC:8490



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

Date of decision: 29.09.2026

CNR No. DLHC010296832026

+ RC.REV. 218/2026, CM APPL. 43624/2026 (Ex. From filing the certified copies of annexures P-1 to P-8), CM APPL. 43625/2026 (Ex.), CM APPL. 43626/2026 (Ex. From filing the complete trial court records) & CM APPL. 43627/2026 (Stay)

HARSH BAJAJ

.....Petitioner

Through: Mr. Ankit Jain, Senior Advocate with Mr. Ashish Upadhayay, Advocates.

versus

SANTOSH KHANDELWAL

.....Respondent

Through: Mr. Ajay Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

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JUDGEMENT (Oral)

1. The present Rent Control Revision Petition has been filed under Section 25B(8) of the Delhi Rent Control Act, 1958, seeking the following reliefs:

“(a) To set aside/quash the Impugned Order dated 07/05/2026 Passed by Ms. Dhanashree Deka, Ld. SCJ cum RC, Central District, Tis Hazari Courts, Delhi in the RC No. 434/2024 titled as “Santosh Khandelwal Versus Harsh Bajaj” whereby Ld. Trial Court pleased to pass the eviction order in favour of the respondent and against the Revisionist.

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By: HARVINDER KAUR BHATIA
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(b) Call for the record of the RC No. 434/2024 titled as “Santosh Khandelwal Versus Harsh Bajaj”.

(c) Grant leave to defend to the Revisionist in the RC No. 434/2024 titled as “Santosh Khandelwal Versus Harsh Bajaj”.

(d) And/or pass any such other or further order(s), which this Hon'ble Court deems fit and proper in facts of the matter and in the interest of justice.”

2. Learned Senior Counsel appearing for the Petitioner seeks to assail the Impugned Judgement on three specific grounds, and would fairly submit, at the outset, that the ground of landlord-tenant relationship is not pressed.

3. He would firstly submit that the Respondent has been unable to show that the daughter-in-law of the Respondent is dependent upon the Respondent.

4. It would be submitted that, as a matter of fact, it is evident from the pleadings and averments made in the Petition and the Reply filed to the Application seeking leave to defend that the Respondent's daughter-in-law is not dependent and is already having strong economic standing and belongs to a lineage which has a fairly sound financial background.

5. It would further be submitted that, in fact, the daughter-in-law is running a business of baking products and therefore there is no question of dependency.

6. In view thereof, learned Senior Counsel for the Petitioner submits that the finding of the learned ARC in respect of the dependency is clearly erroneous.

7. It would be submitted that the learned ARC has held that treating



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a daughter-in-law as being “emotionally” dependent upon the Respondent is contrary to the statutory scheme. It is further submitted that, although this Court, in *Anil Kumar v. Deepika Verma*¹, has recognised such emotional dependence as a relevant consideration, the said view, according to the Petitioner, does not appear to be consistent with the statutory mandate.

8. Drawing sustenance from the foregoing submissions, learned Senior Counsel for the Petitioner would contend that there can be no *bona fide* requirement within the meaning of Section 14(1)(e) of the Delhi Rent Control Act, 1958 [“**DRC Act**”], where the very foundation on which such requirement is asserted, namely, the alleged dependency of the daughter-in-law upon the Respondent, is absent. It would thus be submitted that the requirement pleaded by the Respondent is not a genuine requirement but rests upon a factual premise which, according to the Petitioner, is contrary to the material on record.

9. Learned Senior Counsel would further submit that the requirement projected by the Respondent cannot be sustained merely by invoking emotional dependence, particularly when the daughter-in-law is admittedly carrying on an independent business and there is no material to demonstrate any financial or other statutory dependency upon the Respondent. It is, therefore, contended that the learned ARC has erred in treating such alleged emotional dependence as sufficient to sustain the plea of *bona fide* requirement.

10. *Thirdly*, it would be submitted that the Application seeking leave

¹ 2015:DHC:8676



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to defend had enumerated numerous alternate accommodations which were available to the Respondent, and therefore, the conclusion of the learned ARC is erroneous.

11. ***Per contra***, learned counsel appearing for the Respondent seeks to derive sustenance from the Impugned Judgement herein and submits that the same already takes care of all these aspects and in the limited revisional jurisdiction exercisable by this Court, there arises no occasion for this Court to interfere with the Impugned Judgement.

12. This Court has heard learned counsel for the parties and, with their able assistance, perused the relevant documents and material placed 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.***², ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***³, and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***⁴, 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.

15. The aforesaid principles have also been reiterated and relied upon

² (1998) 8 SCC 119

³ (2014) 9 SCC 78

⁴ (2022) 6 SCC 30



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by Coordinate Benches of this Court, *inter alia*, in **Pankaj Pahwa v. Prem Wati & Ors.**⁵, and **Sanjeev Hiranandani v. Sunny Grover**⁶.

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.”

17. In **Pankaj Pahwa (supra)**, a Coordinate Bench of this Court, upon considering the principles enunciated in **Abid-Ul-Islam (supra)**,

⁵ 2024:DHC:9322

⁶ 2025:DHC:11285



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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 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.

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. At this juncture, this Court deems it appropriate to reproduce the relevant findings rendered by the learned ARC, which read as under:

“25. It may be mentioned here that respondent had filed certain documents alongwith his Rejoinder in support of his aforesaid



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contentions that Ms. Samira Khandelwal is a Director in various companies. However, said documents cannot be considered as they were filed subsequent to the filing of the leave to defend application. Further, since said documents were filed at the belated stage of filing of Rejoinder, petitioner was deprived of the opportunity of rebutting the same. Having said that, even if aforesaid documents filed by respondent at such belated stage are considered, they fail to raise any triable issue. One such document appears to be an extract of webpage of Ministry Of Corporate Affairs. Said document is contrary to respondent's own contention that Ms. Samira Khandelwal is a Director in GMGR Sanitary & Allied Pvt. Ltd. and GMGR Distributors Pvt. Ltd., as said document shows that she had ceased to be Director of GMGR Sanitary & Allied Pvt. Ltd. on 27.08.2019 and that of GMGR Distributors Pvt. Ltd. on 01.06.2018. The other such document is minutes of meeting of M/s Capri Bathaid Pvt. Ltd., which mentions an agenda for change of name of said company to GMGR Distributors Pvt. Ltd. As such, said document supports the petitioner's averment that M/s Capri Bathaid Pvt. Ltd. was renamed as GMGR Distributors Pvt. Ltd. Aforesaid minutes, however, supports the respondent's claim that Ms. Samira Khandelwal is a shareholder of M/s Capri Bathaid Pvt. Ltd.

26. From above discussion, what is culled out is that Ms. Samira Khandelwal is the proprietor of Bakebox Delhi and that she is a shareholder in M/s Capri Bathaid Pvt. Ltd. and M/s GMGR Distributors Ltd. In opinion of the court, the above factum raises no triable issue. Even if it is presumed that Ms. Samira Khandelwal is deriving income from Bakebox Delhi, from her shares in M/s Capri Bathaid Pvt. Ltd. and if it is further assumed that she is Director/shareholder in many other companies as claimed by respondent, same does not bar the petitioner from enabling her daughter-in-law to set up her own/another business to augment her earning. Also, income of the landlord or his dependent is not a factor to be considered for deciding a petition for bonafide need. In other words, earning or financial well being of the petitioner or his dependent cannot be a ground for denying the eviction order sought in a petition founded on bonafide need. Further, it is not the mandate of law that one must be unemployed or sitting idle before a petition for eviction may be filed for bonafide need of such person. In the present matter, even if the petitioner's daughter-in-law has good earning/income from businesses or from shares held by her and that she is not sitting idle, that does not disentitle the petitioner from enabling her to start her own/another business venture. In this regard, court respectfully places reliance upon the case titled 'Raghunath G. Panhale Vs. M/s Chaganlal Sunderji &



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Co.’ wherein it was held as under:

“A landlord need not lose his existing job nor resign it nor reach a level of starvation to contemplate that he must get possession of his premises for establishing a business.”

27. Respondent's contention that Ms. Samira Khandelwal comes from sound economic background and is foreign educated is no reason to hold that she is not entitled to start her own business. Rather, the fact that she is well educated resonates with her desire to work and thrive. Respondent's contention that Samira Khandelwal's father is a billionaire, that her husband is a partner/Director in different firms/companies, that she holds shares in companies owned by her father, that she pays hefty annual school fees for her children, that she resides in a house worth crores or that her husband owns multiple businesses raise no triable issue, as same are not reasons to deny Samira Khandelwal the right or opportunity to have her own business. Every person is entitled to thrive and excel and one cannot be restrained from doing so merely because respondent/tenant would be put to some hardship if he has to vacate the tenanted premises for said purpose. Therefore, the contention of the respondent that Ms. Samira Khandelwal is financially very sound or that she has no requirement to work, raises no triable issue.

28. Further, respondent's contention that petitioner's daughter-in-law is not dependent upon her is also devoid of merit. Even if petitioner's daughter-in-law has sufficient income, it cannot be said that she has no dependency on the petitioner, who is her mother-in-law. The Court is of the view that irrespective of her income, Ms. Samira Khandelwal would remain dependent on the petitioner since for the purpose of section 14(1)(e), dependence is not always financial or physical, but includes emotional reliance as well.

29. In the case of ‘Anil Kumar Gupta Vs. Deepika Verma RC Rev. 138/2015 dated 14.10.2015,’ the Hon'ble High Court of Delhi held the following:

“12. Customarily or in common parlance a dependent would be defined as any person who is reliant on another either for financial or physical support for sustenance of life. It is pertinent to note that the word dependent or as to what constitutes a family has nowhere been defined in the Delhi Rent Control Act. Rather the legislators consciously and deliberately have used the words “any member of family dependent on the landlord” instead of defining a clear degree of relations so as to construe a wider meaning to the aforesaid words as man is a social creature and part of a complex societal system involving myriad of relations from which he cannot be isolated. It is significant to



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understand that the dependency is not restricted to financial or physical but will also include emotional reliance on another person. Reliance in this regard is placed on the findings of this court in M/s Jhalani Tools (India) Pvt. Ltd. Vs. B.K.Soni; AIR 1994 Delhi 167, wherein the court observed that the social set up of our society is such where a married daughter continues to enjoy a place of pride in her maternal home and therefore while considering the requirement of the landlord her married daughter and her expected visits cannot be lost sight of. Similarly in Sain Dass Vs. Madan Lal; 1972 Ren CJ (SN) 8 (Delhi), this Court has acknowledged that the word “himself” as cohabiting with his family members with whom he is normally accustomed to live. Therefore, contrary to the submissions of the learned counsel for the petitioner financial or physical incapacitation cannot be the sole premises for determining dependency on another.”

30. Respondent has next claimed that petitioner is owner of many properties and as such, has suitable alternative accommodation to meet her requirement. The availability of alternate accommodation with the petitioner, as alleged by the respondent, will now be discussed. Respondent has claimed that property bearing no. 3370, Hauz Qazi, Delhi-110006 is on the ground floor and that same is in possession of the petitioner. As per the site plan of the petitioner, property no. 3370 is on the first and second floor and not on the ground floor. Respondent has not filed any site plan of his own to counter the site plan of the petitioner. Nor has he brought any material on record to show that property no. 3370 is actually on the ground floor and not on the upper floors, as averred by the petitioner.

31. As far as availability of property no. 3370 is concerned, petitioner has already disclosed in the eviction petition that first floor of said property is rented out to one Ms. Renu Goyal, part portion of the second floor thereof is rented out to M/s Leader Valves Ltd. and the remaining portion of second floor is her residence. The above averment is supported by rent receipts issued in favour of Ms. Renu Goyal and M/s Leader Valves Ltd. Vide said rent receipts, petitioner has prima facie shown that first floor and part of second floor of aforesaid property are already occupied and same has not been countered by the respondent. Petitioner has also filed copies of Aadhar cards of herself and her family members, which records property no. 3370 as their residence and same substantiates petitioner's claim that she is residing in the aforesaid property. In the leave to defend application, respondent has claimed that petitioner resides in Gurugram, Haryana, to which she



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has replied that same is her additional accommodation, taken on rent. There is no bar to a person having an additional accommodation at another place and just because petitioner has such an additional place to reside, it cannot be said that she is not using portion of property no. 3370 for her residence. As such, there is no material on record to show that property no. 3370 is in vacant possession of the petitioner and therefore, same cannot be said to be an alternate suitable accommodation to meet the requirement of the petitioner.

32. Respondent has claimed that property no. J-3, Mohan Co-operative Industrial Ltd. Estate, Badarpur, New Delhi-110044 is an alternate accommodation available to the petitioner and that same is mentioned in the family settlement of the petitioner. Perusal reveals that family settlement dated 30.01.2017 records that aforesaid property will inure to the petitioner's husband and their two sons and nothing therein shows that the petitioner or her daughter-in-law, for whose benefit the tenanted premises is sought, has any share in the same. Respondent was further required to show that said property is lying vacant as on date but nothing to that effect has come on record. Rather, as per the documents filed by the respondent himself, two entities namely, CMS Infosystems Pvt. Ltd. and ACO Systems Pvt. Ltd. are being run in the same. Further, the list of documents filed by respondent alongwith said documents records that aforesaid property is 'let out to different tenants'. In view of the admission of the respondent that the aforesaid property is already occupied by different tenants, same cannot be deemed available to the petitioner for her use. Further, petitioner has averred that aforesaid property cannot be used for business purpose as the same is an industrial plot and has filed copy of lease deed which records said property as an industrial plot. Respondent has not countered the aforesaid lease deed by any material on record. For above reasons, aforesaid property cannot be considered as an alternate accommodation available to the petitioner.

33. Respondent has next contended that the petitioner is in vacant possession of property bearing no. A-17, First Floor, Block B-1, Mohan Co-operative Industrial Ltd. Estate, Badarpur, New Delhi-110044. Petitioner has denied having any concern with the aforesaid property. In view of such denial, it was imperative for respondent to bring some material to show that aforesaid property is indeed in vacant possession of the petitioner, but no such material has come on record. Rather, as per respondent's own document, IndusInd Bank is being run in aforesaid property. Further, the list of documents filed by respondent in support of said document categorically mentions that aforesaid property is 'let out



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to the different tenants'. In view of admitted position of respondent that aforesaid property is already let out and occupied, same cannot be considered as an alternate accommodation available to the petitioner.

34. Respondent has further contended that property bearing no. 503, Manisha Building, 75-76, Nehru Place, New Delhi-110019 is available with the petitioner. Petitioner has denied having any concern with the aforesaid property. The family settlement filed by petitioner records that aforesaid property fell in the share of Sh. Yogendra Khandelwal s/o Sh. Ram Gopal Khandelwal, which supports the above averment of the petitioner. Apart from making the aforesaid bald assertion, respondent has not filed any material to show that aforesaid property is indeed owned by the petitioner or that same is lying vacant in her possession. Thus, no triable issue is raised in this regard.

35. Respondent has next contended that property bearing no. 403, Manisha Building, 75-76, Nehru Place, New Delhi-110019 is available with the petitioner. In her Reply, petitioner has stated that said property was taken on rent in the name of M/s Capri Baithad Pvt. Ltd. and that possession of the same was surrendered upon closure of business of aforesaid company. Copy of lease deed dated 08.08.2013 filed by the petitioner supports her averment, as it shows that said property was taken on lease by the aforesaid company. Respondent has not really countered the same, nor has substantiated his claim of petitioner being in vacant possession of the aforesaid property by bringing any material on record. The aforesaid bald plea, therefore, fails to raise any triable issue.

36. Respondent has next contended that property bearing no. M-149, Sector-12, Pratap Vihar, Ghaziabad, UP is available with the petitioner. Petitioner has denied having any concern with the aforesaid property. Since respondent has not filed any material to show that aforesaid property is indeed in vacant possession of the petitioner, above contention of respondent comes across only as a bald averment, raising no triable issue.

37. Lastly, respondent has contended that petitioner is in possession of property bearing no. 3369, Hauz Qazi, Delhi-110006 after getting the same vacated from tenant/Lokesh Goyal. To substantiate the same, respondent has relied upon the legal notice dated 01.03.2024 issued by the petitioner to aforesaid Sh. Lokesh Goyal asking him to vacate the same. However, said legal notice, by no stretch of imagination, shows that said property is lying vacant. Rather, aforesaid legal notice mentions that the property was occupied by Sh. Lokesh Goyal on date of its issuance. Further, the rent receipt dated 03.04.2024 issued in favour of Sh. Lokesh Goyal, which is filed by the petitioner, shows that said property



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continued to be occupied by Sh. Lokesh Goyal even after issuance of aforesaid legal notice. Respondent has brought no material on record to show that Sh. Lokesh Goyal had indeed vacated the said property. Thus, above contention does not raise any triable issue, being a bald averment.

38. Respondent has also contended that alternate accommodation available with Sh. Mallav Kumar Khandelwal, who is the son of the petitioner and husband of Ms. Samira Khandelwal, has not been disclosed. Petitioner has already averred in the petition that no other suitable alternate accommodation is available for her requirement. If respondent claims that any property owned by the petitioner's son is available, he ought to have explained how the same is available, and must have provided details of the same. Notably, respondent has not specified what accommodations, if any are available with Sh. Mallav Kumar Khandelwal, nor has he given any particulars of the same. Respondent has also not stated if any such accommodation of Sh. Mallav Kumar Khandelwal is lying vacant as on date. As such, the above contention is a vague plea, raising no triable issue.

39. In the written synopsis filed, respondent has contended that property no. 3371, Hauz Qazi, Delhi-110006 is available with the petitioner. Same is contrary to his averment in the leave to defend application wherein respondent has averred that first and second floor of property no. 3368 to 3371 were let out to different tenants. Further, DRC Act mandates the respondent to raise his contentions within the statutory period by way of filing of leave to defend application and therefore, above contention taken belatedly cannot be considered. However, even if considered, same raises no triable issue as above is a bald averment of the respondent, unsubstantiated by any material. Per contra, petitioner has shown that aforesaid property is occupied by firm namely, Goojar Mal Ganpat Rai & Co. by filing registration certificate of said firm, and same has gone unrebutted by the respondent.

40. Even if it is presumed that the petitioner has other premises available for her stated requirement, even then, the choice is left to the landlord/petitioner to decide as to which of such premises she should occupy and the tenant does not have any say in this matter. In the case of Ravichandran and Ors. Vs Natrajan Nadar and Ors. (2004) 1 MLJ 458, the following was held:

“Even assuming that other premises are available, then the choice is left to the landlord to decide as to which non-residential premises he should occupy, and the tenant cannot have any say in the matter. If the landlord is able to show the bonafide, then the tenant cannot dictate terms to the landlord that he should occupy some other building



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and not the one mentioned in the petition.”

41. In the case of Ragavendra Kumar vs. Firm Prem Machinery AIR 2000 SC 534, the Hon'ble Supreme court held that it is settled position of law that the landlord is best judge of his requirement for residential or business purpose and he has got complete freedom in the matter.

42. In view of the settled legal position, it is not for the respondent to dictate to the petitioner that she should use some other accommodation for their need, even if it is indeed available with the petitioner. The tenanted premises belong to the petitioner and it is for the petitioner to see whether it is suitable for her requirement or not. It is the right of the petitioner to choose a property which is going to be more profitable and convenient for her requirement. If the tenanted premises is suitable as per her need, the petitioner has every right to possess the said premises and the respondent cannot contend that the petitioner should manage her affair otherwise. While deciding the question of bonafide requirement of the landlord, it is quite unnecessary to make an endeavour as to how else the landlord could have adjusted. In view of the above discussion, the allegation of the respondent that the petitioner has alternative suitable accommodations does not give rise to any triable issue.”

(emphasis supplied)

21. Having considered the findings rendered by the learned ARC, this Court is of the view that none of the grounds urged warrants interference with the Impugned Judgment in exercise of the limited revisional jurisdiction vested in this Court under the proviso to Section 25-B(8) of the DRC Act.

22. The first contention of the Petitioner is that the daughter-in-law of the Respondent, *namely*, Ms. Samira Khandelwal, cannot be regarded as a ‘dependent’ upon the Respondent, particularly in view of her existing business activities, financial standing and family background.

23. The principal contention urged on behalf of the Petitioner is that the daughter-in-law of the Respondent, for whose benefit the tenanted



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premises are sought, cannot be regarded as a “dependent” upon the Respondent within the meaning of Section 14(1)(e) of the DRC Act. The submission proceeds primarily on the basis that Ms. Samira Khandelwal is financially independent, is already carrying on a business, has interests in various companies and belongs to a financially well-established family. It is, therefore, contended that there is no circumstance in which she could be regarded as dependent upon her mother-in-law.

24. The aforesaid submission, however, proceeds upon an unduly restrictive construction of the expression “dependent”. Section 14(1)(e) does not define the expression “dependent”, nor does the provision prescribe any particular degree of financial incapacity, physical disability or economic dependence as a condition precedent for a member of the landlord's family to fall within its ambit. The provision, instead, employs the expression “any member of his family dependent on him”, thereby leaving the concept of dependency to be understood in the context of the relationship and circumstances obtaining between the landlord and the concerned member of the family.

25. This aspect has been authoritatively considered by this Court in *Anil Kumar Gupta v. Deepika Verma*⁷, wherein the Court specifically considered whether a daughter-in-law could be considered to be dependent upon her mother-in-law for the purposes of Section 14(1)(e) of the DRC Act. The Court observed that although, in common parlance, a dependent may ordinarily be understood as a

⁷ 2015 SCC OnLine Del 12847



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person reliant upon another for financial or physical support, the expression cannot be construed in such a narrow manner in the context of Section 14(1)(e). The Court specifically held that dependency is not restricted to financial or physical dependence and may also include emotional reliance.

26. The rationale underlying the aforesaid interpretation is of some significance. The legislature has consciously employed the expression “any member of family dependent on him”, rather than identifying a closed class of relations or prescribing a particular degree of relationship. The statutory expression must, therefore, be understood having regard to the realities of familial relationships. As observed in *Anil Kumar Gupta (supra)*, human relationships cannot necessarily be reduced to a question of financial dependence, particularly where the requirement pleaded by the landlord arises out of the manner in which members of a family live, interact and support one another.

27. As also being further guided by the judgement of this Court in *Satya Narain & Anr. vs. Smt Kamlesh Arora & Ors*⁸, wherein, while keeping in mind the law laid down in *Charanjeet Singh vs. Vivek Jain*⁹, it has been held that the expression “dependent” occurring in the context of Section 14(1)(e) of the DRC Act is not to be construed narrowly so as to confine dependence exclusively to financial dependence, and that such dependence may encompass familial, emotional and residential considerations as well. The relevant finding in *Satya Narain (supra)* reads as under:

“Bona fide Requirement of “Dependent” Family Member

⁸ 2026: DHC: 6529

⁹ 2024 SCC OnLine Del 613



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26. The first limb of the challenge concerns the finding of the learned RC that the bona fide requirement of the Petitioners was not established for want of proof of the financial dependence of the daughter-in-law upon Petitioner No. 1. The question that consequently arises for consideration is whether such financial dependence is, in law, a necessary condition for establishing the bona fide requirement pleaded by the Petitioners.

27. In order to substantiate the proposition that dependence for the purposes of Section 14(1)(e) of the DRC Act is not confined to financial dependence, reliance has been placed by learned Senior Counsel appearing on behalf of the Petitioners upon the Judgment of a Coordinate Bench of this Court in Charanjeet Singh (supra). The relevant observations thereof read as under:

“11. So far as the petitioner's argument qua dependence of sons of the respondent and his brothers is concerned, it is trite that for the purposes of eviction proceedings under Section 14(1)(e) of the Act, the dependence of a family member of the landlord on him has to be construed liberally so as to include also the family members who need not necessarily be financially dependent upon landlord. The emotional dependence of the landlord on his family members and vice versa cannot be ignored in the proceedings of the present nature. The dependence in such proceedings has to be interpreted judiciously keeping in mind intent behind the enactment. The Delhi Rent Control Act was enacted not to kill rights of an owner of a property who had inducted tenant in the same. The Act was enacted solely to protect the interest of the tenant so as to prevent his exploitation for monetary gains. For bona fide enjoyment of the tenanted premises, the Act does not confer on the tenant a right superior to that of the landlord.

12. There is no explicit statement in the Delhi Rent Control Act to describe as to who is a dependent on the landlord and what constitutes a family. The enactment consciously uses the expression “for any member of his family dependent on him (the landlord)”, deliberately not confining the dependence to financial one. It is necessary to understand that in social milieu, the expression “dependence” is not confined to financial or physical one but means emotional one as well in *Municipal Corpn., Nagpur v. Nagpur Handloom Cloth Market Co. Ltd.* [Municipal Corpn., Nagpur v. Nagpur Handloom Cloth Market Co. Ltd., AIR 1963 SC 1192], the Supreme Court held that the expression “family” has according to the context in which it occurs a variable connotation, which



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does not postulate existence of relationship by blood or marriage only, and rather even a single person or master-servant can also be regarded as a family, depending upon the context. Therefore, the dependence in the present case cannot be narrowly construed to exclude the gainfully employed sons of the respondent and his brothers from the scope of bona fide requirement.

13. More so, because the respondent landlord has set up specific case that he and his brothers desire to expand their business by involving their sons. In the Indian society, a father desiring his children — be it daughters or sons to join his business and grow the same further with their fresh blood is not something outlandish or infelicitous. Such a father cannot be told not to expand his business by involving his sons because for that purpose they would have to put their tenant's business to an inconvenience.

14. I am not convinced with the argument of learned counsel for petitioner tenant that since the respondent landlord did not disclose as to how they would use the subject premises, the requirement pleaded is not bona fide. As mentioned above, the respondent landlord has categorically pleaded that he and his brothers are engaged in business as general merchant, which business they want to expand with the help of their sons and they need the subject premises for the purposes of storage of stock.

(Emphasis supplied)

28. To buttress the aforesaid proposition, reliance has also been placed upon the decision of a Coordinate Bench of this Court in Hari Shankar Rastogi (supra), wherein the Court, while considering the concept of dependence in proceedings under the Rent Control Laws, observed as follows:

“13. The contention of the counsel for the respondent/tenant of a married female being not dependent upon her grandfather or father but being dependent upon her husband are of no avail. The respondent/tenant forgets that the female in the present case is admittedly a qualified doctor and the question of her dependency even on her husband does not arise. However qua the concept of requirement for self use under the Rent Control Laws, it has been held in *C.L. Davar v. Amar Nath Kapur Labhu Lal v. Sandhya Gupta* (2010) 119 DRJ 599 and *Bhupinder Singh Bawa v. Asha Devi* (2016) 10 SCC 209 that the dependency is not financial but for the purposes of accommodation. Thus merely because a family member



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may be financially independent does not prevent any other family member from seeking eviction of tenant for the requirement of such financially independent member of the family.”

(Emphasis supplied)

29. A conjoint reading of the aforesaid decisions makes it abundantly clear that the expression “dependent” occurring in the context of Section 14(1)(e) of the DRC Act cannot be construed in a manner so as to confine “dependence” exclusively to mean financial dependence. Therefore, the requirement of dependence cannot solely be tested by applying a rigid financial dependency test, divorced from the familial, emotional and residential dependency circumstances in which such bona fide requirement may be asserted.

31. The aforesaid approach, in the considered view of this Court, is not in consonance with the legal principles governing the expression “dependent” in the context of bona fide requirement. Financial dependence may undoubtedly be a relevant circumstance in an appropriate case, however, it cannot be elevated into an inflexible or indispensable requirement for establishing bona fide need. The mere fact that the daughter-in-law has a husband who may be earning cannot, by itself, extinguish or negate the landlord’s pleaded requirement for providing accommodation to her.”

28. It would, therefore, be incorrect to equate “dependency” under Section 14(1)(e) with a condition of financial dependence alone. A person does not cease to be a dependent family member merely because such person earns an income, carries on an independent occupation or possesses financial resources of his or her own. The relevant enquiry is not whether the concerned family member is capable of maintaining himself or herself without financial assistance, but whether, in the context of the particular family relationship and the requirement pleaded by the landlord, such member can legitimately be regarded as dependent upon the landlord for the purpose contemplated



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by the statutory provision.

29. The distinction assumes particular significance in the present case. The requirement pleaded by the Respondent is not that her daughter-in-law is incapable of sustaining herself financially or that she is dependent upon the Respondent for her day-to-day subsistence. The requirement is that the Respondent seeks possession of the tenanted premises for the benefit and use of her daughter-in-law. The existence of an independent source of income, therefore, does not necessarily negate the requirement pleaded by the Respondent.

30. The learned ARC has considered precisely this contention. The learned ARC has noticed that Ms. Samira Khandelwal is the proprietor of Bakebox Delhi and has interests in other companies. The learned ARC has nevertheless held that even assuming that she derives income from such business and shareholdings, such circumstances do not prevent the Respondent from enabling her daughter-in-law to establish her own or another business. The learned ARC further observed that the law does not require a person to be unemployed, without income or sitting idle before premises can be sought for the purpose of establishing or augmenting a business.

31. The aforesaid reasoning, in the opinion of this Court, cannot be said to suffer from any error warranting interference in the present proceedings. The Petitioner essentially seeks to introduce a restriction into Section 14(1)(e), namely, that a family member can be regarded as dependent upon the landlord only if such member is financially incapable of maintaining herself. No such qualification finds place in the statutory language, nor is such a restrictive interpretation



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consistent with the exposition of law in **Anil Kumar Gupta (supra)**.

32. Equally, the financial standing of the daughter-in-law's parental family or matrimonial family cannot, by itself, determine whether she is a dependent family member for the purposes of Section 14(1)(e). The fact that her father may be financially affluent, that her husband may be carrying on business, that she may hold shares in companies, or that she may otherwise enjoy a comfortable standard of living, may demonstrate her financial circumstances; but those circumstances do not conclusively determine the existence or absence of dependency in the statutory sense.

33. In fact, accepting the Petitioner's submission would lead to an unduly narrow construction of the provision, under which a family member would be treated as dependent only so long as such member remained financially incapable or unemployed. Such an interpretation would make the statutory concept of dependency synonymous with financial incapacity. That is not the test laid down by this Court.

34. The distinction between financial independence and familial dependency is, therefore, material. A member of a family may be financially self-sufficient and yet remain dependent upon another member of the family in other relevant respects. The judgment in **Anil Kumar Gupta (supra)** expressly recognises that dependency may extend beyond financial and physical dependence to emotional reliance. The said principle has subsequently been noticed and followed in other decisions of this Court while considering the scope of “dependency” under Section 14(1)(e).

35. It is also material that the relationship in question is that of a



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daughter-in-law and mother-in-law. The statutory provision does not exclude a daughter-in-law from the expression “any member of his family”. Indeed, **Anil Kumar Gupta (supra)** itself arose from the precise question whether a daughter-in-law could constitute a dependent upon her mother-in-law, and the Court answered the question by adopting a contextual and non-restrictive understanding of dependency.

36. Thus, the mere fact that Ms. Samira Khandelwal is married, is engaged in business, has financial resources or belongs to a financially sound family cannot, in isolation, negate the relationship of dependency contemplated by Section 14(1)(e). Those factors may constitute circumstances relevant to the factual enquiry, but they cannot be elevated into a conclusive statutory test.

37. The Petitioner's submission that the existence of an independent business necessarily rules out dependency is, therefore, not sustainable. The learned ARC has not ignored the fact that Ms. Samira Khandelwal is already carrying on business. On the contrary, that fact has expressly been considered and the learned ARC has concluded that her existing business or income does not prevent the Respondent from seeking the premises to enable her to establish another or independent business venture.

38. There is another aspect which assumes significance. The concept of *bona fide* requirement under Section 14(1)(e) cannot be reduced to a test of necessity in the sense of someone being “needy”. The landlord is not required to demonstrate that the family member for whose benefit the premises are sought is otherwise incapable of



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earning a livelihood. The requirement is *bona fide* where the landlord genuinely seeks the premises for the stated purpose, and the requirement is not a mere device to secure eviction of the tenant.

39. In the present case, the learned ARC has accepted the Respondent's assertion that the premises are required for enabling her daughter-in-law to pursue her business aspirations. The fact that the daughter-in-law is already carrying on a business does not render such requirement inherently *mala fide*. A person may seek to establish an additional business, expand an existing business, relocate it to suitable premises or pursue an independent commercial venture notwithstanding the existence of an existing source of income.

40. The Petitioner's emphasis on the financial affluence of Ms. Samira Khandelwal and her family also cannot, in the absence of anything more, establish that the requirement pleaded by the Respondent is fictitious or *mala fide*. Financial means and *bona fide* requirement operate in different fields. The former concerns the economic circumstances of the person; the latter concerns the genuineness of the requirement for the premises.

41. It is, therefore, not sufficient for the tenant to demonstrate that the person for whose benefit the premises are sought is financially comfortable. What is required is material which would render the pleaded requirement so inherently improbable, artificial or *mala fide* that it gives rise to a genuine triable issue. The material relied upon by the Petitioner, even if accepted at its highest, establishes no more than the fact that Ms. Samira Khandelwal is financially well placed and is already engaged in business. It does not, by itself, establish that the



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requirement pleaded by the Respondent is sham or *mala fide*.

42. The learned ARC has further relied upon the principle that a person is not required to first exhaust an existing occupation or source of income before seeking premises for establishing another business. The reliance placed on ***Raghunath G. Panhale v. Chaganlal Sundarji and Co.***¹⁰ in this regard is apposite. The underlying principle is that the existence of an existing occupation does not, by itself, extinguish a *bona fide* requirement for premises for carrying on or establishing a business.

43. Viewed thus, the Petitioner's argument proceeds upon an incorrect equivalence between financial self-sufficiency and absence of dependency. The former does not necessarily establish the latter. The question whether a person is a dependent family member within the meaning of Section 14(1)(e) has to be assessed in the context of the familial relationship and the nature of the requirement pleaded, and cannot be determined solely by reference to the person's income or financial standing.

44. It is also significant that, in the context of the present revision, the learned ARC has already considered the very factual material which the Petitioner seeks to rely upon. The issue was not overlooked. The learned ARC considered the business activities, shareholdings, financial circumstances and family background relied upon by the Petitioner and nevertheless concluded that these circumstances did not negate dependency or render the requirement *mala fide*.

45. Let us consider this submission from another angle. Assuming

¹⁰ (1999) 8 SCC 1



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for a moment that the *bona fide* requirement is projected for a person who is totally self-sufficient and able to take care of themselves. The law, firstly, does not prohibit the person from seeking an eviction order for such a person. Furthermore, if the submission of the Petitioner is to be accepted, it would then mean a comparative analysis between the alleged *bona fide* need of the tenant *vis-à-vis* the landlord. That is not the test which is to be employed. Taking it further, it would then mean that one would have to determine whether the landlord could not afford to open a business or commence the vocation from some other premises since they would be able to afford to do so. That too is not the exercise permissible under the DRC Act. If the landlord has certain premises and seeks to *bona fide* utilise it for a stated purpose, certainly eviction can be sought.

46. Consequently, even if the Petitioner may seek to persuade this Court that a different inference ought to be drawn from the same facts, such an exercise would amount to re-appreciation of evidence and substitution of the view of the learned ARC. That is not the permissible scope of the jurisdiction under the proviso to Section 25-B(8) of the DRC Act.

47. The Court, therefore, finds no merit in the contention that the daughter-in-law of the Respondent ceases to be a dependent merely because she is earning or possesses independent financial means. The finding of the learned ARC that dependency may extend to emotional reliance is consistent with the interpretation placed upon the expression by this Court in *Anil Kumar Gupta (supra)*. The finding is neither shown to be based upon a non-existent statutory requirement



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nor demonstrated to be so perverse or unreasonable as to warrant revisional interference.

48. Accordingly, the contention that the absence of financial dependency, by itself, defeats the Respondent's claim of *bona fide* requirement is rejected. The material relied upon by the Petitioner does not disclose any perversity on the question of dependency so as to warrant interference with the Impugned Judgment.

49. The third ground urged by the Petitioner concerns the alleged availability of alternative accommodation. Here again, the Impugned Judgment demonstrates that the learned ARC has considered, individually, the various properties relied upon by the Petitioner in support of the plea of alternative accommodation.

50. In respect of property bearing no. 3370, Hauz Qazi, the learned ARC noticed that the Respondent had disclosed the occupation of the first floor by a tenant and part of the second floor by another tenant, while the remaining portion of the second floor was being used as her residence. The learned ARC further noticed that the Petitioner had not produced material to substantiate his assertion that the ground floor of the said property was in the vacant possession of the Respondent. The conclusion that the property could not, on the material available, be treated as suitable vacant alternative accommodation cannot, therefore, be said to be unsupported by the record.

51. Likewise, in respect of the property at J-3, Mohan Co-operative Industrial Estate, Badarpur, the learned ARC found that the property stood in the names of the Respondent's husband and sons under the family settlement and that the material placed by the Petitioner itself



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indicated that the premises were occupied by different entities/tenants. The learned ARC also noticed the nature of the property as an industrial plot. On these facts, the finding that the said property did not constitute suitable alternative accommodation cannot be termed perverse or unsupported by the material on record.

52. Similar findings have been returned with respect to properties bearing Nos. A-17, 403 and 503, Manisha Building, Nehru Place, and M-149, Pratap Vihar. In each case, the learned ARC has examined the specific assertion made by the Petitioner and has noticed either the absence of material demonstrating ownership or vacant possession, or the material demonstrating that the premises were already occupied or had otherwise no connection with the Respondent. The conclusions so reached are findings based upon the material placed before the learned ARC and do not disclose any jurisdictional error warranting revisional interference.

53. Even with respect to property bearing No. 3369, Hauz Qazi, the learned ARC has considered the legal notice relied upon by the Petitioner and found that the notice itself demonstrated that the premises continued to be occupied by the tenant. The Petitioner has not been able to point out any material which would establish that the property had, in fact, become available to the Respondent in vacant possession.

54. The contention regarding accommodation allegedly available with the Respondent's son has also been found to be vague, inasmuch as no specific property, particulars or material demonstrating its availability for the requirement pleaded in the eviction petition was



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placed before the learned ARC. A mere assertion that some accommodation may be available, without particulars establishing its availability and suitability, cannot, in itself, compel the grant of leave to defend.

55. The plea regarding property No. 3371, Hauz Qazi, was also considered by the learned ARC and was found to be both belated and unsupported by material. The learned ARC further noticed that the Petitioner's own material indicated that the property was occupied by another firm. Thus, even on this aspect, the learned ARC has returned a finding after examining the material placed before it.

56. The cumulative effect of the aforesaid discussion is that the plea of alternative accommodation does not disclose a triable issue which was overlooked or inadequately considered by the learned ARC. The learned ARC has dealt with each of the properties relied upon by the Petitioner and has furnished reasons for concluding that the same did not constitute suitable alternative accommodation available to the Respondent for the purpose for which the tenanted premises were sought.

57. At this stage, it is also necessary to bear in mind that the question of suitability of an accommodation cannot be examined in the abstract. The landlord is entitled to determine which premises would suitably meet the requirement pleaded by him or her, subject of course to the requirement being *bona fide* and the alternative accommodation pleaded by the tenant being shown to be reasonably suitable and actually available. The tenant cannot, merely by pointing to the existence of another property, insist that the landlord must utilise that



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property instead of the premises which form the subject matter of the eviction petition.

58. In the present case, the learned ARC has, in fact, gone beyond a mere acceptance of the Respondent's assertion and has examined the specific properties identified by the Petitioner. The conclusion that those properties were either not shown to be available, were occupied, were not shown to belong to the Respondent, or were otherwise not demonstrated to be suitable for the requirement in question, is supported by the discussion contained in the Impugned Judgment.

59. Thus, none of the grounds urged by the Petitioner demonstrates that the learned ARC has failed to consider a material plea, proceeded on an erroneous proposition of law, acted without jurisdiction, or arrived at a conclusion which is so unreasonable or perverse as to warrant interference under the proviso to Section 25-B(8) of the DRC Act.

60. What the Petitioner essentially seeks is for this Court to reappraise the pleadings and documents, reassess the alleged dependency of Ms. Samira Khandelwal, reconsider the significance of her existing business and financial circumstances, and undertake an independent assessment of the various properties relied upon as alternative accommodation. Such an exercise would effectively convert the present proceedings into an appeal against the Impugned Judgment, which is impermissible in view of the restricted scope of the jurisdiction under Section 25-B(8).

61. The Impugned Judgment, on a holistic consideration, reflects due consideration of the grounds raised by the Petitioner and contains



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reasons for rejecting each of the alleged triable issues. Merely because the Petitioner seeks to place a different interpretation on the same material cannot furnish a ground for interference in revisional jurisdiction.

62. In view of the foregoing discussion, this Court finds no jurisdictional error, manifest illegality, material irregularity or perversity in the Impugned Judgment dated 07.05.2026. The findings returned by the learned ARC are based upon the material placed before it and do not call for interference in exercise of the limited jurisdiction conferred upon this Court under the proviso to Section 25-B(8) of the DRC Act.

63. The present Petition is, accordingly, dismissed. All pending application(s), if any, also stand disposed of.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 29, 2026/v/va

Signature Not Verified

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By: HARVINDER KAUR BHATIA
Signing Date: 05.10.2026
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