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

Date of decision: 20.08.2026

CNR No. DLHC010390242026

+ **RC.REV. 290/2026, CM APPL. 56310/2026 (Stay) & CM APPL. 56311/2026 (Ex.)**

MISHRI LAL MEHTO

.....Petitioner

Through: **Mr. Deepak Kumar Srivastav
and Mr. Phillip Massey,
Advocates.**

versus

TRIVENI DEVI

.....Respondent

Through: **None.**

CORAM:

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

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JUDGEMENT (Oral)

1. The present Revision Petition has been filed under Section 25-B(8) of the Delhi Rent Control Act, 1958 [**“DRC Act”**] against the Impugned Order dated 17.04.2026 passed by the learned Additional Rent Controller (West) [**“ARC”**], Tis Hazari Courts, Delhi in ARC No. 49/2025 titled *Triveni Devi versus Mishri Lal Mehto*, whereby the Application for leave to defend filed by the Petitioner was dismissed, the Eviction Petition filed by the Respondent was allowed and an Eviction Order was passed against the Petitioner.

2. Learned counsel appearing on behalf of the Petitioner would seek to challenge the Impugned Order on the ground that the learned ARC has failed to appreciate that the Respondent herein is a chronic

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litigant and would cite the example of a previous litigation as between the parties herein with respect to enhancement of the rent and recovery of the same in support of this contention and therefore, it would be submitted that the *bona fide* need claimed by the Respondent was merely a tactic to evict the Petitioner.

3. Learned counsel appearing on behalf of the Petitioner would further submit that the site plan itself was disputed and therefore, it formed a triable issue, and therefore, dismissing the application seeking leave to defend was perverse and illegal.

4. He would further submit that there was adequate alternate accommodation, a ground which was raised before the learned ARC by the Petitioner herein which was erroneously not considered by the learned ARC.

5. Furthermore, he would submit that there was no *bona fide* requirement and that the entire case has been set out only to evict the Petitioner. He would submit that the Impugned Order suffers from perversity wherein the learned ARC states that the classification of rooms has no relevance and hides behind the generic doctrine that the court cannot sit in the armchair of the landlord. This doctrine, according to the Petitioner, is entirely inapplicable here. It would be submitted that when a landlord actively chooses to lease out six alternative rooms on the upper floors to outside commercial tenants instead of housing her own elder son. Pradeep, her alleged *bona fide* requirement is exposed as a structural fabrication. It represents a mere desire to evict a long-term tenant, which is a triable issue of fact.

6. Learned counsel appearing for the Petitioner, fairly limited his grounds of challenge to the aforesaid at the time of oral and final arguments and therefore, this Court shall adjudicate the present *lis*



while keeping into consideration the limited grounds raised at the time of oral arguments.

ANALYSIS AND CONCLUSION:

7. This Court has heard the learned counsel appearing on behalf of the Petitioner and, with his able assistance, gone through the relevant documents and the Impugned Order.

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.*¹, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*², and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*³, 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.*⁴, and *Sanjeev Hiranandani v. Sunny Grover*⁵.

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

¹ (1998) 8 SCC 119

² (2014) 9 SCC 78

³ (2022) 6 SCC 30

⁴ 2024:DHC:9322

⁵ 2025:DHC:11285



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.”

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 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 Order are required to be examined.

15. This Court, at this stage, deems it appropriate to set out the relevant portions of the Impugned Order wherein the learned ARC has dealt with the objections raised by the Petitioner herein, which read as under:

“(ii) BONAFAIDE REQUIREMENT:-

25. The other requirement is that the premises should be required for the bonafide need of the landlord/petitioner and it is the case of the petitioner that the same is required for her own residence and for the residence of her family members, as presently sufficient accommodation space is not available with them in the said property. The respondent has challenged this averment by stating and describing how the children of petitioner are residing in different rooms and at different properties. It has also been stated by the respondent that several other tenants are also residing in the property in question. However, it has already been settled by way of end number of judgments and pronouncements that a tenant cannot ask or expect the petitioner/landlord to live as per the living standards of a tenant.



26. Firstly, it has already been made clear in Baldev Singh Bajwa Vs. Monish Saini (2005) 12 SCC 778; wherein it was held that by the Hon'ble Supreme Court that "whenever landlord seeks eviction of the tenant for bonafide need, the Controller shall presume the need as genuine and bonafide. Additionally, the burden to refute such presumption squarely lies on the tenant and mere assertion on the part of tenant is insufficient."

27. The classifications of the rooms given by the tenant/respondent herein, in which the petitioner and her sons alongwith their family and her daughter are residing, have no relevance here because the petitioner has already clarified in her reply that her sons also have children and they also need space to live comfortably and thus, there seems to be no justifiable reason as to why a tenant should interfere and should prescribe as to how all the family members of the petitioner should adjust in the space available to them.

28. In this regard, reliance is being placed upon the decision of the Hon'ble High Court of Delhi in case of Praveen and Anr. Vs. Mulakh Raj & Ors. RC Rev. 417/2016 wherein it was held that "the Hon'ble Supreme Court as well as this Court has repeatedly held that the Courts are not to sit in the armchair of the landlord and dictate as to how the available property of the landlord is to be best utilized by him. The landlord is the absolute owner of his property and is the best person to decide which property is to be utilized in what way. The respondent cannot dictate as to how the landlord is to utilize his property. The landlord possesses the prerogative to determine their specific requirements, exercising full autonomy in this regard. (Residential or commercial use)".

29. Similarly, in Ragavendra Kumar Vs. Prem Machinery & Co. (2000) 1 SCC 679; it was held by the Hon'ble Supreme Court that "the landlord is the best judge of his requirement for residential or business purpose and he has got complete freedom in the matter."

30. It is pertinent to mention herein that it is not open to the Court or tenant to dictate terms to the landlord as how and in what manner he should adjust himself, without calling upon tenant to vacate the tenanted premises. While deciding the question of bonafide requirement of the landlord it is quite unnecessary to make an endeavour as to how else landlord could have adjusted. (Ref. Kishan Lal Vs. R.N. Bakshi 169 (2010) DLT 769). 31. The Hon'ble Supreme Court of India in "Rahabhar Productions Pvt. Ltd. Vs. Rajendera Kumar Tandon 72 (1998) DLT 629", opined that the landlord is not dis-entitled from seeking recovery of the possession of a ground floor merely on the pica that he also is in possession of first floor and second fler so long as the Court is satisfied with respect to the bonafide requirement of the landlord



for the tenanted premises.

32. Hence, even if the petitioner has some rooms available on other floors of the premises, it cannot be held that the requirement of tenanted premises is not bonafide because the respondent himself has stated that other tenants are residing in other rooms in the suit property. In this respect, reference can also be had to Sunil Kumar Goyal Vs. Harbans Singh 2017 SCC Online DEL 9289; wherein it was held that "If the Courts have been held to be not entitled to interfere with the choice of the landlord as to which of the two tenants, he wants to evict and if it has been held that the tenant cannot be heard to say that the landlord instead of evicting him should evict the other tenant.....!"

33. In view of the above, no triable issue has been raised qua the bonafide requirement of the petitioner.

(iii). REASONABLY SUITABLE ALTERNATIVE ACCOMMODATION:-

34. The other contention of the respondent is that petitioner is owner of other properties as well such as; property no. 836, Khasra no. 659/354, Village Sidhora Khurd, Baba Faridpuri West, Patel Nagar, New Delhi and another property situated at Uttam Nagar. Apart from these, it is also claimed that petitioner also owns two shops in Rajasthan Colony Nera, Baba Faridpuri, New Delhi, which are being run by her two sons. Firstly, no proof at all has been given regarding the petitioner being owner of the abovesaid property No. 836 (supra) and no detail at all has been given of other property at Uttam Nagar making it a mere statement without any foundational basis.

35. Moreover, the petitioner has specifically denied the same in her reply and has stated that she is the owner of only one property and neither she nor her sons own any other property. The claim of the respondent that sons of the petitioner are also running two shops is also bereft of any merit and the same is inherently irrelevant point to be raised here because the petitioner is seeking proper residence for her family and if someone is working in any shop or other building, it would not ipso-facto make it a place for residence and therefore, the same cannot be equated with a reasonably suitable alternative accommodation.

36. In this regard the support is also derived from MM Quasim Vs. Manohar Lal Sharma (1981) 3 SCC 36 wherein Hon'ble Supreme Court held that "the landlord does not have an unfettered right to choose the premises but merely showing that the landlord have some other vacant premises in his possession may not be sufficient



to negative the landlord's claim if the vacant premises were not suitable for the purpose for which he required the premises."

37. Thus, no triable issue has also been raised by the respondent qua any alternative accommodation being available to petitioner.

38. So far as other averments and contentions of the respondent that the petitioner has given statement before the Ld. Court in a suit between the parties that she shall not dispossess the respondent without due process of law is a meaningless assertion as it does not create any embargo upon the right of the petitioner to file this eviction petition because this is what is meant by the "shall not dispossess without due process of law". 39. Similar such assertions, that petitioner has been threatening or harassing the respondent herein, are not the subject matter jurisdiction of this authority and hence, not relevant for deciding this petition.

40. It has also been contended by the respondent that the petitioner has not filed the correct site plan, however, it is not the case of the respondent that the tenanted premises is not identifiable from such site plan of the petitioner. In fact the site plan of the respondent appears to be rather vague because he has shown 05 rooms occupied by the tenants, not specifying or specifically indicating in the site plan, in which room he is residing. Thus, the purpose of a site plan is to indicate the premises in dispute and the same is not filed with the purpose of showing how many rooms are occupied by different tenants as the present petition only concerns itself with one room that has been occupied by the respondent herein."

(emphasis supplied)

16. Having considered the submissions advanced on behalf of the Petitioner and the findings returned by the learned ARC, this Court finds no merit in the present Revision Petition. The grounds urged by the Petitioner essentially seek a re-appreciation of the material placed before the learned ARC and an independent assessment of the Respondent's requirement and the accommodation available to her. Such an exercise would clearly travel beyond the limited scope of the revisional jurisdiction vested in this Court under the proviso to Section 25B(8) of the DRC Act.

17. The first contention of the Petitioner is that the Respondent is a



chronic litigant and that the previous disputes between the parties concerning enhancement and recovery of rent demonstrate that the present Eviction Petition is not founded upon a genuine or *bona fide* requirement, but is merely an attempt to evict the Petitioner. This contention is wholly devoid of merit.

18. Merely because disputes had previously arisen between a landlord and a tenant, or because the parties had engaged in earlier litigation concerning the tenancy, cannot, by itself, lead to the conclusion that a subsequent petition seeking eviction under the DRC Act is *mala fide*. A landlord is entitled to avail of the remedies available in law, and the institution of previous proceedings does not create an embargo upon the landlord's right to seek eviction on a ground otherwise available under the statute.

19. The learned ARC has also considered the Petitioner's reliance upon the statement allegedly made by the Respondent in the previous proceedings that the Petitioner would not be dispossessed except in accordance with due process of law. The learned ARC has rightly held that such a statement cannot operate as a bar against the institution of the present Eviction Petition. Indeed, the present proceedings themselves constitute recourse to the due process of law. This Court finds no error, much less an error apparent on the face of the record, in the said reasoning.

20. The Petitioner's contention that the previous disputes between the parties establish that the Respondent's *bona fide* requirement is merely a pretext is, therefore, nothing more than an assertion unsupported by any material capable of displacing the findings returned by the learned ARC. A mere allegation of mala fides, without the disclosure of facts which, if established, would disentitle the



landlord from seeking eviction, cannot constitute a triable issue.

21. The next ground urged by the Petitioner concerns the site plan filed by the Respondent. It is contended that the site plan was disputed and that such dispute, by itself, entitled the Petitioner to leave to defend. This submission cannot be accepted.

22. The learned ARC has specifically noted that it was not the Petitioner's case that the tenanted premises was incapable of identification from the site plan filed by the Respondent. The learned ARC has further observed that the site plan filed by the Petitioner was itself vague, inasmuch as, while showing certain rooms as being occupied by tenants, it did not clearly indicate the particular room in occupation of the Petitioner. These findings have not been demonstrated to be either perverse or contrary to the material available on record.

23. It is well settled that a mere dispute with regard to a site plan does not automatically give rise to a triable issue. The relevant consideration is whether the alleged discrepancy or deficiency in the site plan creates any genuine uncertainty regarding the identity or extent of the tenanted premises. In the present case, the Petitioner has not demonstrated that the tenanted premises was not identifiable or that the alleged discrepancy in the site plan had any bearing upon the adjudication of the Respondent's claim for eviction.

24. The submission of the Petitioner that the site plan reflected or failed to reflect the occupation of other rooms by different tenants is equally of no assistance. As rightly observed by the learned ARC, the primary purpose of the site plan in the present proceedings was to identify the tenanted premises. The Petitioner's attempt to convert the site plan into a comprehensive determination of the nature, occupation



and utilization of every room in the property does not, in the facts of the present case, give rise to a triable issue.

25. The principal challenge advanced by the Petitioner is with respect to the *bona fide* requirement of the Respondent. It is contended that the Respondent has sufficient accommodation available to her and, in particular, that certain rooms on the upper floors of the property are occupied by commercial tenants. According to the Petitioner, the fact that the Respondent has chosen to retain such tenants while seeking eviction of the Petitioner demonstrates that her requirement is not genuine.

26. This contention has been duly considered and rejected by the learned ARC. The learned ARC has taken into account the Respondent's case regarding the composition of her family and the accommodation presently available to the family members. The learned ARC has also considered the Petitioner's attempt to classify the existing rooms and to contend that the Respondent and her family members could adjust themselves within the accommodation presently available.

27. The learned ARC, relying upon the settled principle that the tenant cannot dictate to the landlord the manner in which the landlord and the landlord's family should arrange their residential affairs, has concluded that the classification of rooms suggested by the Petitioner did not raise a triable issue. This Court finds no perversity in the said approach.

28. The submission of the Petitioner that the learned ARC has erroneously taken shelter behind the principle that “the Court cannot sit in the armchair of the landlord” is also misplaced. The said principle does not imply that every assertion made by a landlord must



be accepted without scrutiny. Equally, however, once the landlord has disclosed a genuine requirement and the accommodation available to the landlord, the tenant cannot obtain leave to defend merely by suggesting an alternative manner in which the landlord and the landlord's family ought to adjust themselves.

29. In the present case, the learned ARC has not mechanically accepted the Respondent's assertion of *bona fide* requirement. Rather, the learned ARC has considered the Petitioner's objections concerning the manner in which the various members of the Respondent's family were residing and the accommodation available in the property. Upon such consideration, the learned ARC found that the requirement pleaded by the Respondent could not be dislodged merely by the Petitioner's suggestion that the family members could continue to adjust themselves in the existing accommodation.

30. The further submission that certain rooms are occupied by commercial tenants does not, by itself, establish that the Respondent's requirement is mala fide. A tenant cannot compel the landlord to initiate eviction proceedings against some other tenant or dictate which portion of the landlord's property should first be recovered for the landlord's use. The choice as to the premises from which possession is sought is primarily that of the landlord, subject, of course, to the statutory requirement that the need pleaded must be genuine and *bona fide*.

31. The mere existence of other tenancies in the property cannot, therefore, lead to the inference that the Respondent's requirement is fabricated. The Petitioner's contention, in substance, is that the Respondent ought to have sought possession of the rooms occupied by other tenants rather than the tenanted premises. Such a contention



amounts to asking this Court to dictate to the Respondent how her property ought to be utilized and which tenant she should seek to evict. This is precisely the course which the settled principles governing *bona fide* requirement do not permit.

32. *Lastly*, the contention regarding the alleged availability of alternative accommodation is also without merit. The learned ARC has specifically considered the properties alleged by the Petitioner to be available to the Respondent. It was found that, insofar as one of the properties was concerned, no material had been placed on record to establish the Respondent's ownership thereof. With respect to another alleged property, no particulars whatsoever were furnished by the Petitioner. The Respondent, on the other hand, had specifically denied the ownership of any such alternative residential property.

33. It is trite that a bald assertion regarding the existence of an alternative accommodation, unsupported by any particulars or material, cannot be elevated to the status of a triable issue. The tenant is required to place before the Court such facts and material as would, if proved, disentitle the landlord from obtaining an eviction order. A vague allegation that the landlord owns or possesses other properties, without disclosing the nature, location, ownership, availability or suitability thereof, cannot satisfy this requirement.

34. The Petitioner's reliance upon the fact that the Respondent's sons are allegedly running two shops is equally misplaced. The requirement pleaded by the Respondent is for residential accommodation. The existence of commercial establishments, even assuming the Petitioner's assertion to be correct, cannot be equated with the availability of reasonably suitable residential accommodation for the Respondent and her family.



35. This Court also finds no merit in the contention that the learned ARC failed to consider the Petitioner's plea regarding alternative accommodation. The relevant portion of the Impugned Order, extracted hereinabove, clearly demonstrates that the learned ARC has specifically dealt with the said plea and assigned reasons for rejecting it. The fact that the learned ARC did not accept the Petitioner's contention does not mean that the contention remained unconsidered.

36. Upon a cumulative consideration of the material on record, it is evident that the learned ARC has examined each of the principal objections raised by the Petitioner, *namely*, the alleged *mala fides* arising from previous litigation between the parties, the challenge to the site plan, the alleged availability of alternative accommodation and the challenge to the Respondent's *bona fide* requirement.

37. The findings returned by the learned ARC are based upon the pleadings and material placed before it and cannot be said to suffer from any jurisdictional error, manifest illegality, material irregularity or perversity. The Petitioner has not demonstrated that any material plea was ignored or that the learned ARC adopted a procedure contrary to law.

38. In effect, the present Revision Petition seeks a reassessment of the sufficiency of the accommodation available to the Respondent, the suitability of other portions of the property and the manner in which the Respondent ought to arrange the residential requirements of her family. Such an exercise would necessarily amount to substituting this Court's assessment for that of the learned ARC, which is impermissible while exercising the limited revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act.

39. This Court is, therefore, of the considered view that the



Impugned Order does not warrant any interference in the exercise of the revisional jurisdiction of this Court.

40. Accordingly, the present Revision Petition, being devoid of merit, is dismissed.

41. The present Petition, along with all pending application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 20, 2026/nd/va

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