



\$~53

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

Date of decision: 21.08.2026

CNR No. DLHC010392912026

+ RC.REV. 295/2026, CM APPL. 56629/2026 (Stay), CM APPL. 56630/2026 (Ex. From filing certified copies of annexures) & CM APPL. 56631/2026 (Delay of 73 days in Re-filing the petition)

M/S USHA WOOL SHOP

.....Petitioner

Through: Mr. K.K. Malhotra, Advocate.

versus

BANDANA KUMARI & ANR.

.....Respondents

Through: None.

CORAM:

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

% **JUDGEMENT (Oral)**

1. The present Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, seeks to assail the **Eviction Order dated 18.02.2026²** passed by the **learned Additional Rent Controller-02, Central District, Tis Hazari Courts, Delhi³** in **Eviction Petition, being RC ARC No. 617/2024** titled “*Mrs. Bandana Kumar versus Shri Rajan Chaudhary and Another*”, whereby the Petitioner’s Application seeking leave to defend was disallowed and, consequently, an Eviction Order, with respect to **property/shop bearing No. 6926-33/ 10A, Ground Floor, part of Property of M/S**

¹ DRC Act

² Eviction Order

³ Learned ARC



Laxmi Chand Jaipuria Spinning and weaving Mills, Kolhapur Road, Subzi Mandi, Delhi-110007⁴, was passed in favour of the Respondents.

2. Learned counsel appearing on behalf of the Petitioner, at the outset, submits that the challenge to the Impugned Judgement is confined to the finding returned by the learned ARC with respect to the alleged *bona fide* requirement of the Respondents. It is submitted that the requirement pleaded by the Respondents does not constitute a *bona fide* need for the Subject premises of such a nature as would warrant an Eviction Order under Section 14(1)(e) of the DRC Act.

3. Learned counsel submits that the *bona fide* requirement pleaded by the Respondents in the Eviction Petition comprises, essentially, two distinct components, *namely, first*, the requirement of the Subject premises for their daughter for establishing a tuition/coaching centre; and *second*, the requirement of the Subject premises for the Respondents themselves for establishing a lawyers' office.

4. Learned counsel for the Petitioner contends that, when examined in the backdrop of the material placed on record, neither of the aforesaid requirements discloses a *bona fide* pressing necessity for the Subject premises.

5. Learned counsel for the Petitioner submits that insofar as the requirement pleaded for the daughter of the Respondents is concerned, the daughter is admittedly still pursuing her studies and, therefore, the alleged requirement of the Subject premises for establishing a tuition/coaching centre for her is premature. He submits that there is no material on record demonstrating any immediate or compelling necessity for the daughter to establish such a centre from the Subject

⁴ Subject premises



premises so as to warrant eviction of the Petitioner.

6. Learned counsel for the Petitioner further submits that the other requirement pleaded by the Respondents for establishing a lawyers' office is equally unsustainable, particularly since the Respondents are already in possession of Chambers Nos. 408-A, 409-A and 420-A at the Tis Hazari Courts and are carrying on their professional activities therefrom. It is, therefore, contended that the requirement of an additional premises for the same professional purpose, in the facts of the present case, amounts to a desire for greater convenience or additional accommodation and cannot be elevated to a *bona fide* requirement within the meaning of Section 14(1)(e) of the DRC Act.

7. Learned counsel for the Petitioner submits that the learned ARC has erroneously placed undue emphasis upon the alleged convenience of the Subject premises for the professional activities of the Respondents, including its location and accessibility, without adequately examining whether the accommodation already available to the Respondents was genuinely insufficient or unsuitable for the purpose for which the Subject premises were sought.

8. Learned counsel for the Petitioner, accordingly, submits that the learned ARC has accepted the assertion of *bona fide* requirement without adequately testing the same against the material placed on record by the Petitioner and, in doing so, has failed to appreciate the nature and scope of the enquiry required at the stage of consideration of an Application seeking leave to defend, since the aforesaid grounds manifestly constituted triable issues, to be proved during the trial.

9. Learned counsel for the Petitioner, therefore, submits that the Impugned Judgement suffers from an error warranting interference in exercise of the Revisional jurisdiction of this Court and that the

Signature Not Verified

Digitally Signed
By: HARVINDER KAUR
BHATIA
Signing Date: 25/08/2026 11:41:39
RC.REV. 295/2026



Petitioner ought to be granted leave to defend the Eviction Petition.

ANALYSIS:

10. This Court has heard the learned counsel for the Petitioner and, with his able assistance, perused the material available on record, including the Impugned Order.

11. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioners, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the *proviso* to Section 25-B(8) of the DRC Act.

12. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*⁵, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁶, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁷, 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.

13. 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.*⁸, and *Sanjeev Hiranandani v. Sunny Grover*⁹.

14. In *Abid-Ul-Islam (supra)*, the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25B of the DRC Act, observed that the omission of an appellate remedy against an Order passed by the learned Rent Controller is conscious and

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



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.”

15. 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 25-B(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/RC. 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.

16. 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 Orders suffer from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC/RC is wholly unreasonable or founded upon an erroneous premise of law.

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

18. At this juncture, this Court deems it appropriate to reproduce the relevant paragraphs of the Impugned Judgment. The same read as under:

“20. The petitioners have stated in the petition that the tenanted premises is required bonafidely by the petitioners/landlords for the bonafide need of their daughter Ms. Ridhima Chaudhary who is stated to have entered into final year of Graduation Course and currently unemployed. That she has opted for Math (H) and wish to open her own business of running Tuitions Centres/Coaching etc. from tenanted premises. It is further the case of petitioners that tenanted premises is also required for opening lawyers’ office by petitioners who are practicing advocates.

21. On the other hand, it is argued on behalf of respondent that intention of petitioner is not bonafide as daughter of petitioners is still studying. However, petitioners have clearly mentioned that daughter is in final year and already giving tuitions. Further argued on behalf of respondent that daughter is not dependent upon petitioners for accommodation.

22. However, it is a settled position that in Indian societal set up parents are under social obligation to settle their children. Reliance is placed upon case titled “Joginder Pal Singh Vs. Nawal Kishore Behl” AIR (2002) SC 2256, the Hon’ble Court has held that:

“24..... Keeping in view the social or ‘socio-religious milieu and practices prevalent in a particular section of society or a particular region, to which the landlord belongs, it may be obligation of the landlord to settle a person closely connected with him to make him



economically independent so as to support himself and/or the landlord. To discharge such obligation the landlord may require the tenancy premises and such requirement would be the requirement of the landlord. If the requirement is of actual user of the premises by a person other than the landlord himself the court shall with circumspection inquire: (i) whether the requirement of such person can be considered to be the requirement of the landlord., and (ii) whether there is a close inter-relation or identify nexus between such person and the landlord so as to satisfy the requirement of the first query. Applying the overlaid tests to the facts of the present case it is clear that the tenancy premises are required for the office of the landlord's son who is a chartered accountant. It is the moral obligation of the landlord to settle his son well in his life and to contribute his best to see him economically independent."

23. Another contention raised on behalf of respondent is that the daughter of the petitioners has no intentions to run any tuition class as she is still studying. However, it is observed that said apprehension is already taken care of in the DRC Act itself by our legislative forefathers while enacting the laws who have already considered possibility of misuse in the hands of unscrupulous landlords and thereby inserted Section 19 of DRC Act which reads as follows:-

"Where a landlord recovers possession of any premises and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of obtaining such possession, or the premises having been so occupied are, at any time within three years from the date of obtaining possession, relet to any person than the evicted tenant without obtaining the permission of the Controller such tenant can be put back to the premises or can be paid such compensation as the Controller thinks fit."

27. Now in view of this legal position and present facts and circumstances, it is observed that in the entire application for leave to defend the respondent has failed to specifically plead even a single word to deny the bonafide requirement of the petitioners as stated in the eviction petition and on the other hand petitioners have stated their bonafide need in a very detailed manner, therefore, the presumption of genuineness of requirement has to be drawn in favour of petitioners only.

28. Thus, respondent has failed to raise any triable issue qua the bonafide requirement of the petitioners.



29. It is submitted on behalf of petitioners that the petitioners do not have any other reasonably suitable alternate commercial accommodation in their ownership for intended purpose.

30. On the other hand, respondent has argued that the petitioners are having a big chamber in lawyer's block, Tis Hazari Courts, Delhi and they are jointly carrying out their profession from Chamber No. 408 A, 409A and 420A, at Tis Hazari Courts, Delhi. That same is not denied by petitioners.

31. However, it is pertinent to note that in para no. 18 A (ix) of petition, petitioners have clearly disclosed that they are jointly carrying out profession from chambers at Tis Hazari Courts, Delhi. The case set up by petitioners is that petitioners do not have any other place to run their Lawyers Office and that the Chambers at Tis Hazari Courts are not conducive to work at late hours as there are no amenities available after 6 O' clock. None of the Clients wish to visit Tis Hazari during the evening hours.

32. It is further specifically by petitioners in petition itself that the tenanted premises is situated in a market place where one of the stations of Delhi Metro is proposed to be opened very soon. The said place would conveniently serve the purpose of an advocate's office as the same is centrally located place from courts at Rohini and Tis Hazari. It is trite law that tenant cannot decide the suitability for landlord. Further petitioners have specified bonafide need of their daughter as well for starting her coaching centre and further stated that tenanted premises is most suitable for that purpose as same is situated in university area.

33. Moreover, mere availability of other alternate accommodation is itself not the decisive factor for denial of eviction proceedings by the landlord, more so, since there are various factors like the size, location, access, purpose, viability, safety concerns, football, and/or like, amongst others which have/ are to be taken into consideration while dealing with the aspect of availability of alternate suitable accommodation. Reliance is placed upon case titled as **Shiv Sarup Gupta v Dr. Mahesh Chand Gupta (1999) 6 SCC 222.**

39. It is a settled position of law that tenant has no say and he cannot decide what is suitable for petitioner and what is not. Further it is observed that petitioners have clearly revealed in the petition that aforesaid property is used for the purpose of residence and that same is a small accommodation. In reply to leave to defend, it is further submitted by petitioners that petitioners along with their son and daughter are residing in one room, one drawing/dining room at first floor of property at Vikram Nagar. That petitioners do not have an inch of space available to provide separate rooms to children. Further that second and ground floor of property at Vikram Nagar is in occupation of original owner, i.e. Legal heirs of Smt. Tulsi Devi/Late Sh. Bhagwan Das Gulyani. It is pertinent to note that respondent has failed give any evasive denial



to the said submission. Further it is observed that petitioners were not under duty to file site plan of property at Vikram Nagar as mentioned above. Respondent has nowhere denied the composition of family of petitioners.

40. Further, in the eviction petition, the landlord need not disclose the alternate properties available to him if he is of the view that the alternate properties are unsuitable for him. The eviction petition is not a declaration or disclosure of all the immovable assets of the landlord and then and the exercise of sifting through the ones' which are or could be deemed to be suitable as alternate accommodation. For any property to be considered alternately available, it has first to be available, i.e. in possession of the landlord and capable of being put to immediate use; thereafter only the issue of its suitability for the bona fide need arises. The landlord's discretion and prerogative in this regard cannot be questioned, except insofar as it is not whimsical, ex facie or shockingly unreasonable. Reliance is placed upon **Babu Lal vs Atul Kumar & Anr. CRP NO. 147 of 2012** passed by the Hon'ble High Court of Delhi.

41. In view of the settled legal position, it is not for the respondent to dictate to the petitioner that it should use some other accommodation for its business, 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 its requirement or not. It is the right of the petitioner to choose a property which is going to be more profitable and convenient for its business. If the tenanted premises is suitable as per his needs, the petitioner has every right to possess the said premises and the respondent cannot contend that the petitioner should manage his affairs 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 respondents that the petitioner has alternative suitable accommodations does not give rise to any triable issue.

42. Accordingly, I am duly satisfied that the petitioners need the tenanted premises in question for purpose of setting up of lawyers office as well as for their daughter to start her coaching/tuitions centre and I am further satisfied that the petitioners do not have any other alternate property available with them to fulfill the said requirement.

43. After analysis of the present factual situation in backdrop of the law discussed above, this Court is of the considered opinion that respondent has failed to raise any triable issue in respect of bonafide need of petitioners and alternate accommodation available with the petitioners.



44. Thus, this court is of the considered opinion that the need set up by the landlords/petitioners is genuine and bonafide and there is no alternate suitable accommodation available to them.

(Emphasis supplied)

19. Adverting to the facts of the present case, the learned ARC, while considering the aforesaid contentions, has noticed that the *bona fide* requirement pleaded by the Respondents is founded upon two distinct but interrelated requirements, viz., *firstly*, the requirement of the Subject premises for their daughter, who is stated to be in the final year of her Graduation Course and desirous of commencing a tuition/coaching centre; and *secondly*, the requirement of the Respondents themselves for establishing a lawyers' office.

20. In the considered view of this Court, the learned ARC has adequately considered both the facets of the *bona fide* requirement in the context of the objections raised by the Petitioner.

21. Insofar as the requirement pleaded for the daughter of the Respondents is concerned, the principal objection of the learned counsel for the Petitioner is that the daughter is still pursuing her studies and, therefore, the requirement of the Subject premises for establishing a tuition/coaching centre is premature. This contention, however, does not appear to raise a triable issue in the facts of the present case.

22. The learned ARC has specifically noticed that the daughter is in the final year of her Graduation Course and that she is already giving tuitions. The mere circumstance that she continues to pursue her studies cannot, by itself, render the requirement pleaded on her behalf illusory or *mala fide*, particularly when the Respondents have disclosed the purpose for which the premises are sought and the nature of the activity proposed to be carried on therein.



23. More significantly, the learned ARC has examined the aforesaid requirement in the context of the principle recognised by the Hon'ble Supreme Court in **Joginder Pal Singh v. Nawal Kishore Behl**¹⁰, namely, that having regard to the social and familial circumstances of the landlord, the requirement of premises for settling a closely connected member of the family and enabling such person to become economically independent may, in an appropriate case, constitute the requirement of the landlord himself.

24. The learned ARC, therefore, cannot be said to have proceeded merely on the basis of a bald assertion of requirement, but has examined the same against the legal principles governing *bona fide* requirement. The finding that no triable issue arose on this aspect, thus, cannot be characterised as perverse or founded upon a misreading of the record.

25. Adverting to the second *bona fide* requirement espoused, namely, the requirement of the Respondents for establishing a lawyers' office, the principal submission of learned counsel for the Petitioner is that the Respondents already have Chambers Nos. 408-A, 409-A and 420A at the Tis Hazari Courts and are carrying on their profession therefrom. It is, therefore, contended that the Subject premises could at best constitute additional accommodation or an accommodation of greater convenience and that such requirement could not be treated as *bona fide*.

26. The aforesaid contention as well does not inspire the confidence of this Court since it overlooks the specific explanation furnished by the Respondents and as noticed by the learned ARC.

27. The learned ARC has recorded that the Respondents had

¹⁰ AIR 2002 SC 2256



themselves disclosed the existence of the aforesaid Chambers and had explained that the said accommodation was not conducive to working at late hours, there being no amenities available after 6:00 p.m., and that clients did not wish to visit Tis Hazari during the evening hours. The learned ARC has further noticed that the Subject premises are situated in a market area and, on the Respondents' case, are centrally located with respect to the Courts at Rohini and Tis Hazari.

28. The existence of other accommodation, therefore, does not *ipso facto* establish that the Subject premises are not *bona fide* required. The suitability of an alternative premises is necessarily a matter to be examined in the context of the particular requirement, including its location, accessibility, size, purpose and the nature of the activity proposed to be carried on. The learned ARC has considered these aspects and has recorded a finding that the accommodation presently available with the Respondents did not constitute suitable alternative accommodation for the requirement pleaded by them.

29. It is equally significant that the learned ARC did not proceed on the premise that the Respondents were entitled to seek eviction merely because the Subject premises were more convenient. Rather, the learned ARC examined the specific case set up by the Respondents regarding the nature and suitability of their existing accommodation, their professional requirements and the intended use of the Subject premises.

30. The position which consequently emerges is that the learned ARC has considered both the *bona fide* requirements pleaded by the Respondents and has returned a finding, on the basis of the material before it, that the requirement is genuine and *bona fide* and that no suitable alternative accommodation is available.



31. It is also pertinent to bear in mind that the stage of consideration of an Application seeking leave to defend does not contemplate an enquiry into the comparative convenience of the premises or an adjudication as though the matter were proceeding to a full-fledged trial. Once the learned ARC, upon consideration of the pleadings and material placed before it, has found that the objections raised by the Petitioner do not disclose a triable issue, this Court would not be justified in substituting its own assessment merely because another view may conceivably be taken on the same material.

32. In the considered view of this Court, the aforesaid findings are supported by the pleadings and material noticed by the learned ARC and do not disclose any jurisdictional error or perversity warranting exercise of the revisional jurisdiction of this Court. The challenge raised by the Petitioner, in substance, seeks a re-appreciation of the very material which has already been considered by the learned ARC, which exercise is impermissible in the present proceedings.

33. Accordingly, this Court finds no merit in the contention that the Respondents' requirement of the Subject premises is merely a matter of convenience or an additional accommodation sought without *bona fide* necessity. As is apparent from the Impugned Order, the learned ARC has adequately considered the nature of the requirement, the proposed use of the Subject premises, the existing accommodation available to the Respondents and the explanation furnished as to why such accommodation was not suitable for the purposes pleaded.

34. In view of the foregoing discussion, this Court is of the considered view that the Petitioner has failed to demonstrate the existence of any triable issue in respect of the *bona fide* requirement of the Respondents or the availability of any reasonably suitable



alternative accommodation. The findings returned by the learned ARC, also do not disclose any jurisdictional error or perversity warranting exercise of the revisional jurisdiction of this Court.

DECISION:

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

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

37. There shall be no Order as to Costs.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 21, 2026/nd/DJ

Signature Not Verified

Digitally Signed
By: HARVINDER KAUR
BHATIA
Signing Date: 25.08.2026 11:41:39
RC.REV. 295/2026