



2026:DHC:7154



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 24.08.2026**# **CNR No. DLHC010398982026**

+ RC.REV. 303/2026, CM APPL. 57410/2026 (Stay), CM APPL. 57411/2026 (Ex.), CM APPL. 57412/2026 (Delay of 06 days in refilling of the petition) & CM APPL. 57413/2026 (Permission to file Addl. Document)

DR.K.K.MITTAL

.....Petitioner

Through: Mr. Anup Kumar Sharma, Adv.

versus

ANIL KUMAR

.....Respondent

Through: Nemo

CORAM:**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**% **JUDGEMENT (Oral)**

1. The present Rent Control Revision Petition, under Section 25-B (8) of **the Delhi Rent Control Act, 1958**¹, seeks to set aside the **Order dated 28.02.2026**² passed by the **learned Additional Rent Controller-02, Central District, Tis Hazari Courts, Delhi**³, in Eviction Petition being RC ARC No.331/2025, whereby the Application seeking leave to defend preferred by the Petitioner herein was dismissed and he was directed to vacate the tenanted premises.

2. Learned counsel for the Petitioner seeks to assail the Impugned

¹ DRC Act

² Impugned Order

³ Learned ARC



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Order passed by the learned ARC on two limited grounds.

3. *Firstly*, he would submit that the premises in question have been wrongly described and that, in fact, the Petitioner herein was occupying Shop No. 7 and not the shop bearing Private No. 5, situated on the Ground Floor of Property No. 6603, Block No. 9, Street No. 3, Dev Nagar, Karol Bagh, New Delhi-110005.

4. The second ground urged by learned counsel for the Petitioner is that there was no *bona fide* requirement of the Respondent herein and that the eviction petition was filed only with a view to harass the Petitioner. He would submit that there are various other properties owned by the Respondent herein and, if such *bona fide* need had arisen, the Respondent/landlord should have sought vacation of the other alternate accommodations available and not only just the premises occupied by the Petitioner herein.

5. Learned counsel for the Petitioner would further submit that an Application has been filed seeking to bring on record certain subsequent events that occurred after the passing of the Impugned Order. He would submit that the Respondent herein has, in fact, sold certain premises, which, according to him, militates against the *bona fide* requirement pleaded by the Respondent in the eviction petition.

6. This Court has perused the relevant document, i.e. the Sale Deed sought to be relied upon in the said Application. The said Sale Deed relates to the top portion of Shop No. 5, and there is no averment to suggest that the same would constitute suitable alternate accommodation in place of the ground floor of Shop No. 5, which is the subject matter of the present *lis*.



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ANALYSIS:

7. This Court has heard the learned counsel for the petitioner and, with his able assistance, perused the material available on record.

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.**⁴, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**⁵, and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**⁶, has consistently held that the jurisdiction exercised by the High Court under the proviso to Section 25B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

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.**⁷, and **Sanjeev Hiranandani v. Sunny Grover**⁸.

11. In **Abid-Ul-Islam** (supra), the Hon'ble Supreme Court, while elucidating the legislative intentment 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 deliberate. The jurisdiction conferred upon the High Court is,

⁴ (1998) 8 SCC 119

⁵ (2014) 9 SCC 78

⁶ (2022) 6 SCC 30

⁷ 2024:DHC:9322

⁸ 2025:DHC:11285



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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



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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. At this juncture, this Court deems it appropriate to extract the relevant findings of the learned ARC in the Impugned Order pertaining to the grounds urged before this Court, which read as under:

“15. Firstly, as argued, in reply to legal notice, respondent has nowhere submitted that shop number was 7. Further summons was duly served on the said address. It is pertinent to note that in the entire leave to defend, the respondent has nowhere disputed the correctness of site plan filed by petitioner. Nor any counter site plan has been placed on record by the respondent. Hence, site plan filed by petitioner is deemed to be correct. Reliance can be placed in this regard on decision of the Hon’ble High Court of Delhi in “Satish Kumar Vs. Subhash Chand Aggarwal, 2012 SCC Online Del 4447 (SLP (c) No. 27341/2012)”, wherein it has been held that:

“If a tenant does not file his site plan showing the site plan filed by the owner is incorrect, then, the site plan filed by the owner would be assumed to be true. In the present matter also, no such site plan has been filed by the respondent. Therefore, he has no right to question the site plan filed by the landlord to be incorrect. Hence, in view of the judgments and observations made above, this

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contention of the respondent is vague and untenable.”

16. The case of petitioner is that petitioner is the owner/landlord of tenanted premises which was let out by mother of petitioner to the respondent by way of oral tenancy. That mother of petitioner had executed registered Will dated 19.12.2016 by which she bequeathed tenanted premises/shop no. 5 as well as entire fourth floor of property no. 6603, Block No. 9, Street No. 3, Dev Nagar, Karol Bagh, New Delhi, in favour of petitioner. That mother of petitioner expired on 29.01.2023 and that after her death, petitioner has become absolute owner of tenanted premises. That by operation of law, respondent has become tenant of petitioner w.e.f. 29.01.2023 at the rate of Rs. 1,200/- per month excluding other charges.

17. Petitioner has placed on record copy of registered sale deed dated 18.06.1974 along with English translation, in favour of Smt. Asharphi Devi, mother of petitioner. Further placed on record copy of registered Will dated 19.12.2016 executed by Smt. Asharphi Devi/mother of petitioner, copy of death certificate of Smt. Asharphi Devi.

18. On the other hand, respondent has challenged the ownership/landlordship of petitioner stating that Smt. Ashrafi Devi was the owner of the property in question/tenanted premises and after her death, the petitioner has not sent any attornment letter to the respondent.

19. It is pertinent to note that in leave to defend application, respondent has admitted ownership/landlordship of Late Smt. Asharphi Devi. It is not disputed that petitioner is the son of Late Smt. Asharphi Devi. It is a settled preposition that if the ownership of property is acquired by a person, the landlordship devolves upon the said person by way of law and there is no requirement of any attornment. In this regard, reliance can be placed upon the judgment of Hon'ble High Court of Delhi in J.C. Mehra Vs. Smt. Kusum Gupta, 2006(1)RCR(Civil)31.

20. It is well settled that on transfer of title of the property in occupation of a tenant, the transferee under the law becomes the landlord and no overt act of attornment is required. To my mind, it was not required for the petitioner to issue letter or notice of attornment.

21. It has been held in Nalakath Sainuddin Vs. Koorikadan Sulaiman (2002) 6 SCC 1, Mahendra Raghunathdas Gupta Vs. Vishwanath Bhikaji Mogul (1997) 5 SCC 329 and ; Mohar Singh Vs. Devi Charan (1988) 3 SCC 63 that on transfer of tenanted premises by the landlord, the transferee; automatically becomes the landlord of the tenant by operation of law and the coming into being of the relationship of landlord and tenant between the transferee and tenant is not dependent upon any overt act on the part of the tenant.

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22. It is pertinent to note that respondent himself has alleged that he has deposited rent under section 27 DRC Act in the court in the name of petitioner. It is observed that the legal proposition is very well settled that once a tenant is always a tenant. That section 116 of Indian Evidence Act lays down as under: -

“116. Estoppel of tenant; and of licensee of person in possession.—No tenant of immovable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immovable property; and no person who came upon any immovable property by the licence of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.”

23. Accordingly, in view of aforesaid discussion, the landlord-tenant relationship between the petitioner and respondent is duly proved.

24. Thus, there is no triable issue with respect to ownership of petitioner and landlord-tenant relationship between petitioner and respondent.

II. Bonafide requirement of the petitioner:

26. On the other hand, it is argued on behalf of respondent that intention of petitioner is not bonafide as petitioner has filed present petition with the intention to harass and pressurize the respondent and to get the said tenanted premises vacated from the respondent on false and flimsy grounds.

27. 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."

28. Hence, if the requirement of the landlord is not bonafide and if a landlord abuses the process of the court, obtains an order of



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eviction, subsequently lets out the property or sells the same, the tenant can always apply for restitution under section 19 of the DRC Act.

29. In case titled as 'Sudesh Kumari Soni & Anr. v. Smt. Prabha Khanna & Anr.' RC Rev. No. 44/2004 decided on 03.10.2008 wherein the Hon'ble High Court has observed that:

"The suitability has to be seen from the convenience of the landlord and his family members and on the basis of circumstances, including their profession, vocation, style of living, habits and background. Landlord is the best judge of his need."

30. It is further observed that the law is very well settled that the requirement of the landlord is to be presumed as genuine and, in this regard, reference can be also made to the judgment of Hon'ble Supreme Court titled as Abid-Ur-Islam Vs Indersen Dua dated 07.04.2022, wherein it was observed as follows: -

".....when a landlord asserts that he requires his building for his own occupation, the Rent Controller shall not proceed on the presumption that the requirement is not bonafide. When other conditions of the clause are satisfied and when the landlord shows a prima facie case, it is open to the Rent Controller to draw a presumption that requirement of the landlord is bonafide.....".

31. 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 petitioner as stated in the eviction petition and on the other hand petitioner has stated the bonafide need in a very detailed manner, therefore, the presumption of genuineness of requirement has to be drawn in favour of petitioner only.

32. Thus, respondent has failed to raise any triable issue qua the bonafide requirement of the petitioner."

(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 infirmity, illegality, perversity or material irregularity in the Impugned Order warranting interference in exercise of the limited revisional jurisdiction vested in this Court under the proviso to Section

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25B(8) of the DRC Act.

17. The first contention urged on behalf of the Petitioner is with respect to the identity and description of the tenanted premises. It is sought to be contended that the Petitioner was occupying Shop No. 7 and not Shop No. 5, situated on the ground floor of Property No. 6603, Block No. 9, Street No. 3, Dev Nagar, Karol Bagh, New Delhi. This contention, however, does not merit acceptance.

18. As noticed by the learned ARC, the Petitioner did not dispute the description of the tenanted premises in his reply to the legal notice. More importantly, in the leave to defend Application, the Petitioner did not specifically challenge the correctness of the site plan filed by the Respondent/landlord. The Petitioner also did not place on record any counter site plan identifying the premises allegedly occupied by him as Shop No. 7 or otherwise demonstrating that the premises shown by the Respondent in the site plan were incorrectly described.

19. The learned ARC has, therefore, rightly proceeded on the basis that, in the absence of a counter site plan or any material specifically demonstrating the incorrectness of the site plan relied upon by the Respondent, the same could be accepted for the purposes of determining the identity of the tenanted premises. A bald assertion regarding an incorrect description of the premises, unsupported by any contemporaneous document or counter site plan, could not by itself constitute a triable issue.

20. It is also pertinent that the summons in the eviction proceedings were served upon the Petitioner at the address of the premises described in the eviction petition. The challenge to the description of the premises, therefore, appears to be an afterthought and, in any

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event, the learned ARC cannot be said to have committed any error in rejecting the said contention on the basis of the material available before it.

21. The second contention urged by the Petitioner pertains to the alleged absence of a *bona fide* requirement of the Respondent. It is contended that the Respondent owns various other properties and, therefore, ought to have sought vacation of some other premises instead of seeking eviction of the Petitioner from the tenanted premises.

22. This contention is equally without merit. A tenant, while seeking leave to defend, is required to raise such facts and disclose such material as would, if established, disentitle the landlord from obtaining an order of eviction. Mere assertions regarding the existence of other properties, without specifically demonstrating that such properties are available to the landlord and constitute reasonably suitable alternate accommodation for the purpose for which eviction has been sought, cannot constitute a triable issue.

23. In the present case, as rightly noticed by the learned ARC, the Petitioner failed to specifically controvert the *bona fide* requirement pleaded by the Respondent in the eviction petition. The learned ARC has recorded that the requirement of the Respondent had been set out in detail, whereas the Petitioner failed to plead any specific facts or place any material on record demonstrating that the alleged alternate accommodations were vacant, available to the Respondent, and reasonably suitable for satisfying the requirement pleaded by him.

24. The submission of the Petitioner that the Respondent ought to have sought eviction from some other tenant or should have utilised



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another property cannot, by itself, be a ground to doubt the *bona fide* requirement of the landlord. It is well settled that it is not for the tenant to dictate to the landlord the manner in which he should utilise his properties or to compel him to satisfy his requirement from a particular premises. Unless the tenant is able to demonstrate the existence of suitable alternate accommodation available to the landlord, a mere assertion that the landlord owns other properties does not raise a triable issue.

25. This Court also finds no error in the conclusion of the learned ARC that the apprehension expressed by the Petitioner regarding the alleged intention of the Respondent to evict him only for the purpose of selling or re-letting the premises cannot, in the absence of any material supporting such apprehension, defeat an otherwise established claim of *bona fide* requirement. The statutory safeguards contained in Section 19 of the DRC Act adequately take care of a situation where possession is recovered on the ground of *bona fide* requirement but the premises are thereafter dealt with in a manner contrary to the purpose for which eviction was sought.

26. The Petitioner has also sought to rely upon certain subsequent events and has filed an Application for placing on record a Sale Deed executed after the passing of the Impugned Order. Ordinarily, this Court, while exercising its limited revisional jurisdiction under Section 25B(8) of the DRC Act, would be required to examine the correctness and legality of the decision-making process of the learned ARC on the basis of the material that was available before it. A revision petition cannot ordinarily be converted into a proceeding for introducing new evidence and undertaking a fresh factual enquiry.

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27. Nevertheless, even if the subsequent event sought to be relied upon by the Petitioner is considered, the same does not advance his case. The Sale Deed relied upon by the Petitioner pertains to the top portion of Shop No. 5. There is nothing in the Application or in the material placed before this Court to demonstrate that the portion so sold constituted suitable alternate accommodation capable of satisfying the requirement for which eviction of the ground floor premises was sought.

28. The mere sale of a different portion of another property, without any material to establish its suitability or availability as an alternate accommodation, cannot by itself lead to an inference that the requirement pleaded by the Respondent was not *bona fide*. The subsequent transaction, therefore, does not strike at the foundation of the case set up by the Respondent before the learned ARC, nor does it render the findings contained in the Impugned Order erroneous.

29. This Court is, therefore, of the considered view that the learned ARC has duly considered the pleas raised by the Petitioner and has returned findings based upon the material available on record. The Petitioner has not been able to demonstrate that any material contention was left unconsidered or that the learned ARC adopted a procedure contrary to law. Nor has the Petitioner been able to point out any jurisdictional error, manifest illegality, perversity or error apparent on the face of the record.

30. The attempt of the Petitioner is essentially to invite this Court to re-appreciate the material considered by the learned ARC and to arrive at a different conclusion. Such an exercise would clearly travel beyond the limited scope of revisional jurisdiction under the proviso to



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Section 25B(8) of the DRC Act. Merely because another view may be possible on the material available on record, which would be in the favour of the Petitioner, cannot be a ground for this Court to substitute its own view for the view taken by the learned ARC.

31. Accordingly, this Court finds no reason to interfere with the Impugned Order dated 28.02.2026 passed by the learned ARC. The present Revision Petition, being devoid of merit, is accordingly dismissed.

32. The present Petition, along with pending Application(s), if any, stands disposed of.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 24, 2026/rk/va

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