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

Date of decision: 31.08.2026

CNR No. DLHC010403942026

+ **RC.REV. 313/2026, CM APPL. 58051/2026 (Stay) & CM APPL. 58052/2026 (Ex.)**

RC SINGLA

.....Petitioner

Through: **Ms. Rekha Rustagi, Advocate.**

versus

GEETA RASTOGI & ORS.

.....Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (Oral)**

1. The present Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, against the **Order and Judgment dated 09.06.2026²** passed by the learned **Senior Civil Judge-cum-Rent Controller, Shahdara District, Karkardooma Courts, Delhi³**, whereby the **Eviction Petition, being RC ARC 72/2023⁴**, titled *Geeta Rastogi and Ors vs. RC Sjngla*, filed by the Respondents against the Petitioner, has been allowed, and the Petitioner has been directed to vacate the tenanted premises, i.e., **Shop No. 3 on the ground floor of property bearing no. E-4/10, Krishna Nagar, Delhi-110051⁵**.

¹ DRC Act

² Impugned Order

³ learned RC

⁴ Eviction Petition

⁵ Subject Premises

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2. Learned counsel appearing on behalf of the Petitioner would submit that the challenge to the Impugned Order is confined to two aspects.
3. Firstly, she would submit that the Respondents had initially projected the requirement of the Subject Premises for establishing a Gymnasium-cum-Fitness Centre, whereas the subsequent material placed on record would indicate that the same are now being used for running an eatery.
4. She would, therefore, submit that the very purpose for which the Subject Premises were sought has undergone a change and, in view of the Judgment of the Hon'ble Supreme Court in **Hasmat Rai & Anr. v. Raghunath Prasad⁶**, the requirement must continue to subsist throughout the proceedings and up to the passing of the final decree.
5. She would further submit that there was no specific pleading in the Eviction Petition with regard to the dependency of the persons for whose benefit the premises were allegedly required.
6. The second limb of the challenge relates to the requirement projected by the Respondents for the grandsons of Petitioner No.1 and the sons of Petitioner Nos.2 and 4.
7. Learned counsel would submit that the said requirement is not *bona fide*, particularly since the aforesaid persons are not wholly dependent upon the Respondents for their livelihood and are already engaged in their respective occupations or activities.
8. She would, therefore, submit that the learned RC has erred in accepting the requirement projected by the Respondents as *bona fide* and in consequently directing eviction of the Petitioner.
9. This Court has heard learned counsel appearing on behalf of the



Petitioner and, with her able assistance, perused the Impugned Order as also the material placed on record.

10. 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.

11. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**⁷, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**⁸, and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**⁹, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

12. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in **Pankaj Pahwa v. Prem Wati & Ors.**¹⁰, and **Sanjeev Hiranandani v. Sunny Grover**¹¹.

13. In **Abid-Ul-Islam** (supra), the Hon'ble Supreme Court, while elucidating the legislative intentment 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,

⁶ (1983) 3 SCC 103

⁷ (1998) 8 SCC 119

⁸ (2014) 9 SCC 78

⁹ (2022) 6 SCC 30

¹⁰ 2024:DHC:9322

¹¹ 2025:DHC:11285



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.”

14. 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.

15. 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.

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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.

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

17. Since the challenge in the present Petition is confined to the aforesaid two aspects, it would be apposite to first advert to the relevant findings returned by the learned RC on these issues. The relevant portions of the Impugned Order, which deal with the aspects sought to be canvassed before this Court, are extracted hereinbelow:

“ *****

33) As far as the fact of ownership of the petitioners qua the tenanted premises is concerned and as far as the fact of relationship of landlord and tenant between the petitioners and the respondent is concerned, then the same is not in dispute in the present matter. Thus, the only question which remains to be determined is as to whether the projected need of the petitioners is bonafide or not and further as to whether the petitioners have any other alternate accommodation available with them for their projected need or not.

34) In respect of the bonafide requirement of the petitioners, they have pleaded that the tenanted premises is required by them for three grandsons of petitioner no.1 namely Sh. Nikunj Rastogi, Sh. Nimish Rastogi and Sh. Vaibhav Rastogi alongwith son of petitioner no.2 namely Sh. Nitin Rastogi and son of petitioner no.4 namely Sh. Rachit Rastogi. Petitioners have categorically pleaded in their petition itself that Sh.Nikunj Rastogi, Sh. Nimish Rastogi and Sh. Vaibhav Rastogi are unemployed and are completely dependent upon the petitioner no.1. They have further disclosed in the petition itself that Sh. Nitin Rastogi is already running his



business of selling disposable items in shop no.2. Thus, it is not the case of the petitioners that Sh. Nitin Rastogi and Sh. Rachit Rastogi are also completely dependent upon the petitioners for the aforesaid projected need. It has been contended by ld. counsel for the petitioners during the course of arguments that Sh. Nikunj Rastogi, Sh. Nimish Rastogi and Sh. Vaibhav Rastogi intend to open a Gymnasium-cum-Fitness Centre alongwith Sh. Nitin Rastogi and Sh. Rachit Rastogi and accordingly the said fact has been pleaded in the petition itself. Now, the respondent has alleged that since Sh. Nitin Rastogi and Sh. Rachit Rastogi are not dependent upon the petitioners, therefore, the present petition is not maintainable. In this regard, this court is of the view that although Sh. Nikin Rastogi and Sh. Rachit Rastogi are already earning income, this does not in itself disentitle them from opening a gymnasium-cum-fitness centre, alongwith Sh. Nikunj, Sh. Nimish and Sh. Vaibhav. The tenanted premises is primarily required for the bonafide need of Sh. Nikunj Rastogi, Nimish Rastogi and Vaibhav Rastogi who are also the members of the same family/extended family as that of Sh. Nitin Rastogi and Sh. Rachit Rastogi. Thus, there is no bar if they together want to open a venture for becoming independent. Further, the petitioners cannot be forced to look for some other property for the said purpose either on rent or by way of purchase when they already have their own property which would meet their projected requirement.

35) It is further alleged by the respondent that Sh. Nikunj Rastogi is already running a business under the name and style of 'Vaibhav Properties' in shop no.6, however, the respondent has not led into evidence any document such as GST details or form 32 details of the said 'Vaibhav Properties' so as to prove that Sh. Nikunj Rastogi is the proprietor or a partner or a director thereof. Similarly, RW1 has alleged that the grandsons of petitioner no.1 have started their business of eatery in the name of 'Café Gainz" in shop no.4 and 5 in the property bearing no.E-4/10 and he has also led into evidence photographs Ex.RW1/4 in this regard, however, again, no such document of proprietorship, partnership or directorship has been led into evidence by RW1 to prove that the said three grandsons of petitioner no.1 are the owners of the said 'Café Gainz" which is being run in the shop no.4 and 5. Upon perusal of the photographs Ex.RW1/4, it is revealed that although a flex board of "Cafe Gainz" is visible therein but neither the name nor the details of the said three grandsons of petitioner no.1 are reflected therein. Even the address of the said shop is not reflected in the flex board of the 'Café Gainz". Thus, merely from the photographs Ex.RW1/4, it cannot be concluded that the grandsons of petitioner no.1 have opened the said 'Café Gainz". It has been held in the case of Hasmat Rai (supra) that "this requirement must continue throughout the progress of the litigation and must exist on



the date of decree and when we say decree we mean the decree of the Final Court. Any other view would defeat the beneficial provision of a welfare legislation like the Rent Restriction Act.” However, in the given facts and circumstances of this case, this court is of the view that since the respondent has failed to prove that grandsons of petitioner no.1 have opened their own cafe, therefore, he has failed to prove that the projected need of the petitioners does not exist anymore. As such, this court is of the view that the aforesaid decision is not applicable upon the facts and circumstances of the present matter.

36) Further, the respondent has alleged that Sh. Nimish Rastogi is doing his own business of stock market trading whereas Sh. Vaibhav Rastogi is engaged in the business of real estate alongwith his father Sh. Ajay Rastogi. In this regard, PW1 has duly stated in his cross-examination that Sh. Nimish Rastogi is doing a part time job of trading in stock market from his home itself whereas he has denied that Sh. Vaibhav Rastogi is running the business of real estate alongwith his father Sh. Ajay Rastogi in Noida. Thus, it has come on record that Sh. Nimish Rastogi is not doing any full time job and it has also come on record that Sh. Vaibhav Rastogi is not assisting his father in the business of real estate as alleged by the respondent. In these circumstances, it was incumbent upon the respondent to lead into evidence any record or document to prove that Sh. Nimish Rastogi is engaged in a full time job and that Sh. Vaibhav Rastogi is in fact running the business of his father and is earning a handsome income from there. However, the respondent has failed to lead any such evidence so as to rebut the case of the petitioners. PW1 has stated in his cross-examination that it is Sh. Nikunj Rastogi who sits at the shop of Sh. Ajay Rastogi. Be that as it may, even if it is believed that Sh. Vaibhav Rastogi or Sh. Nikunj Rastogi are assisting Sh. Ajay Rastogi in his business even then it is evident that Sh. Vaibhav Rastogi and Sh. Nikunj Rastogi are not doing any independent business of their own. And now, if they intend to open their joint venture then they are very much entitled to do the same and the respondent being a tenant does not have any right to dictate the petitioners that their aforesaid grandsons and sons cannot open any such joint venture and that they will have to continue to sit idle or to continue to assist their parents in their business. It has been held in the case of Inderjeet Kaur (supra) that “when possession is sought on the ground of personal requirement, an absolute need is not to be satisfied but a mere desire equally is not sufficient. It has to be something more than a mere desire equally is not sufficient. It has to be something more than a mere desire. And being an enabling provision, the burden is on the landlord to establish his case affirmatively.” In the present matter, as already stated hereinabove, nothing has come on record to suggest that Sh. Nikunj, Sh. Nimish and Sh. Vaibhav are already



earning a handsome income, therefore, there is no requirement for them to open a Gymnasium-cum-fitness centre. Similarly, it has also not come on record that the aforesaid persons own any other commercial property in their own name so as to say that they are not entitled for seeking eviction of the respondent qua the tenanted premises. As such this court is of the view that the facts and circumstances of the aforesaid decision are also not applicable upon the present matter.

37) The respondent has further pleaded that the petitioners have not pleaded the dependency of Sh. Nikunj Rastogi, Sh. Nimish Rastogi and Sh. Vaibhav Rastogi upon petitioners no. 2 to 4 and similarly that petitioners no.1,2 and 4 have not pleaded their dependency upon petitioner no.3, therefore, petitioner no.1, petitioner no.2 and petitioner no.4 cannot claim the share of petitioner no.3. In this regard this court is of the view that the petitioners no.1,2 and 4 have not claimed the share of petitioner no.3. During the course of arguments it has been duly clarified by ld. counsel for petitioners that petitioner no.3 has been impleaded as a party merely because he is also one of the co-sharers and he has no objection if the entire ground floor of the property no.E-4/10 is utilized for the purpose of opening a gymnasium-cum-fitness centre by the aforesaid beneficiaries. It is a settled position of law that every co-sharer is the owner of each and every inch of the co-owned property, therefore, even if petitioner no.3 would not have filed the present petition even then the same would have been maintainable and now when all the co-sharers of the tenanted premises have come forward to seek possession of the tenanted premises specifically for the bonafide requirement of Sh. Nikunj Rastogi, Sh. Nimish Rastogi and Sh. Vaibhav Rastogi alongwith Sh. Nitin Rastogi and Rachit Rastogi, therefore, it was not required to specifically plead that the aforesaid grandsons of petitioner no.1 are dependent upon petitioner no.2 to 4 as well or that petitioner no.1, petitioner no.2 and petitioner no.4 are also dependent upon petitioner no.3. Thus, considering the aforesaid facts and circumstances this court is of the view that as far as as the bonafide requirement of the petitioners is concerned then the same has been duly proved by the petitioners in the present matter.

38) Coming to the availability of alternate suitable accommodation with the petitioners, then it is their case that there are 9 shops on the ground floor out of which shop no.1,3,5,6 and 7 are with the respective tenants whereas shop no.2, 4, 8 & 9 are already with the petitioners. That shop no.2 is with Sh. Nitin Rastogi, shop no.4 is with Sh. Ajay Rastogi whereas the shops no.8 and 9 are lying vacant. Admittedly, the shops no.5,6 and 7 have also been vacated by the respective tenants during the pendency of the present petition and it is, thus, contended by the respondent that

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the said shops are also available with the petitioners now. In this regard, the petitioners have duly disclosed in their petition itself that they require the entire ground floor of the property no.E-4/10 for their projected need for which they also require the other tenanted shops and for which they have already filed other eviction petitions against the respective tenants. Thus, even if shops no.5,6 and 7 have been vacated during the pendency of the present petition the same cannot be said to be an alternate accommodation for the petitioners since the said shops alongwith the tenanted premises are required by the petitioners for their projected need.

39) Apart from the above, the RW1 has deposed in his affidavit Ex.RW1/A that the petitioners have merged the shops no.8 and 9 and have converted it into a parking and that they have also carved out a shop no.10 on the ground floor of property no.E-4/10. This court is of the view that the said averment does not lend any support to the case of the respondent because firstly, RW1 has not led into evidence any site plan to demonstrate as to what structural changes have been made by the petitioners qua the said shops no.8 and 9. Secondly, he has not led into evidence any photographs to show that a parking space has been created and another shop no.10 has also been constructed by the petitioners. Thirdly, Ld. counsel for respondent has not even cross-examined PW1 in respect of the aforesaid structural changes. Pertinently, PW1 was lastly cross-examined on 18.09.2025. Thereafter, as per the order dated 04.11.2025 time was sought on behalf of the respondent to move an application for incorporating subsequent events which had taken place yesterday (i.e. on 03.11.2025) itself. In the said application it has been alleged by the respondent that he came to know about the subsequent events on 03.11.2025 itself. But there is no whisper about the fact as to how he came to know about the said events. It cannot be so that the said structural changes took place on one single day i.e. on 03.11.2025. It can also not be the probability that the structural changes at such level took place and the respondent who is running his clinic in the shop no.3 of the same property did not notice the ongoing construction and it came to his knowledge on 03.11.2025. Thus, it is hard to believe that on the date of last cross-examination of PW1, the respondent was not aware of any such structural changes. Fourthly, even otherwise the petitioners have duly stated in their petition itself that they would be making the desired/appropriate changes/construction to convert the entire ground floor of property into a space for Gym-cum-fitness centre. Therefore, even if it is believed that the said changes have been made by the petitioners the same would not automatically lead to the conclusion that the said changes have been made with any ulterior motive and not for the projected need of the petitioners.

40) Further, admittedly, the remaining portion on the ground

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floor of the property no.E-4/10 is being used for residential purposes as has been admitted by the respondent himself in her written statement in paragraph no.18. Apart from that the respondent has alleged that the entire first floor of the property no. E-4/10 is lying vacant and thus, is available with the petitioners. However, in his cross-examination, RW1 has duly deposed that first floor of the property is occupied although partially, by the family of petitioners i.e. Smt. Alka Rastogi, Mr. Nikunj Rastogi @ Anchal Rastogi and petitioner no.4. Thus, evidently, the first floor of the property no. E-4/10 is not lying vacant and is not available with the petitioners.

41) Further, another contention that the petitioners have not used shop no.8 and 9 for any purpose since its vacation by the previous tenants is not relevant for the purpose of the present petition since it is for those tenants to raise any objection in this regard under Section 19(6) of the DRC Act and not for the respondent herein. It is reiterated here that the petitioners have already pleaded at the first instance that they require the entire ground floor of the property no.E-4/10 which includes the shop no.8 and 9, therefore, if the same are presently lying vacant the same would not be counted as an alternate accommodation and is of no help to the respondent.

42) As far as the contention that petitioner no.3 is not residing in property no.E-4/10 and that he is running his own independent business in Gandhi Nagar, is concerned, then the respondent has not led into evidence the ownership documents in respect of the said property of Gandhi Nagar so as to say that petitioner no.3 is the owner of the said property. Even otherwise admittedly, the said property is not lying vacant since petitioner no.3 is running his medical store therein. Careful perusal of the leave to defend application filed by the respondent in eviction petition bearing no.,132/2012 (Ex.RW1/3) reveals that the said eviction petition was filed against Smt. Beena & Smt. Pinki Gupta for the bonafide requirement of Sh. Sachin Rastogi (petitioner no.3 herein). In the said leave to defend application, it was pleaded that Sh. Sachin Rastogi is already running his own business of medical store in Gandhi Nagar. The said eviction petition has been stated to have been disposed off by the respondent, however, the said order vide which it was disposed off, has not been placed on record. Be that as it may, the present eviction petition has been filed for the bonafide requirement of Sh. Nikunj Rastogi, Sh. Nimish Rastogi, Sh. Vaibhav Rastogi, Sh. Nitin Rastogi and Sh. Rachit Rastogi and not for the bonafide requirement of petitioner no.3. Therefore, the fact that petitioner no.3 is running his own business independently is of no relevance for the purpose of the present petition. As such considering the aforesaid facts and circumstances this court is of



the view that the respondent has failed to prove that any other alternate suitable accommodation is available with the petitioners for their projected need.

43) Thus, in view of the aforesaid discussion, this court is of the view that the petitioner has duly proved his bonafide requirement qua the tenanted premises as well as the fact that he does not have any other alternative suitable accommodation for the same. Hence, in view of the aforesaid discussion the petition in hand is hereby allowed and the respondent is hereby directed to vacate the tenanted premises i.e. shop no.3 on the ground floor of property bearing no. E-4/10, Krishna Nagar, Delhi-110031, as shown in the site plan of petitioner in terms of section 14(1)(e) of the Delhi Rent Control Act and handover its vacant and peaceful possession to the petitioner. However, as per Section 14 (7) DRC Act, the Petitioner shall not be entitled to obtain possession thereof before the expiry of a period of six months from the date of this order.”

(emphasis supplied)

18. A perusal of the aforesaid findings would reveal that the learned RC has dealt with both the aspects which are sought to be urged before this Court.

19. Insofar as the *bona fide* requirement is concerned, the learned RC has considered the requirement pleaded for the grandsons of Respondent No.1 and the sons of Respondent Nos. 2 and 4, as also the objections raised by the Petitioner with regard to their existing occupations and alleged financial independence.

20. The learned RC has also considered the contention regarding the subsequent running of the business under the name and style of “Café Gainz” and has returned a finding, on the basis of the evidence led, that the material placed by the Petitioner was insufficient to establish that the projected beneficiaries had commenced an independent business so as to render the pleaded requirement non-existent.

21. Likewise, on the aspect of alternate suitable accommodation, the learned RC has examined the various properties and portions



relied upon by the Petitioner, including the other shops situated on the ground floor, the alleged use of Shops Nos. 8 and 9, the alleged Shop No. 10, the first floor of the property and the property stated to be in Gandhi Nagar, Delhi.

22. The learned RC has considered the evidence led by the parties in respect of each of these properties and has thereafter concluded that none of the accommodation relied upon by the Petitioner constituted alternate suitable accommodation for the requirement pleaded by the Respondents.

23. In particular, it has been noticed that the Respondents had themselves pleaded that the entire ground floor was required for the proposed Gymnasium-cum-Fitness Centre and that the mere vacation of some of the shops during the pendency of the proceedings would not, in the facts of the case, render them available as alternate accommodation.

24. It is, therefore, evident that the findings returned by the learned RC are not founded merely upon the averments contained in the Eviction Petition but upon an examination of the pleadings, the evidence led by the parties and the material placed before the learned RC during the course of the proceedings. The Judgment in **Hasmat Rai** (supra) relied upon by the Petitioner has also been noticed and explained why, on the facts found by it, the said decision would not advance the Petitioner's case.

25. The principal submission of learned counsel for the Petitioner is essentially that the material relied upon by the Petitioner ought to have resulted in a different conclusion, particularly with regard to the alleged commencement of the "Café Gainz" and the alleged availability of other accommodation.



26. However, such an exercise would necessarily require this Court to re-appreciate the evidence and substitute its own assessment for that undertaken by the learned RC and the same, as discussed above, is not the scope of the revisional jurisdiction under the proviso to Section 25-B(8) of the DRC Act.

27. The fact that another view may possibly be taken on the evidence is, by itself, no ground for interference in revision. The jurisdiction of this Court is supervisory and is intended to ensure that the learned RC has acted within the bounds of its jurisdiction and that the decision-making process is not vitiated by perversity, manifest illegality or material irregularity.

28. In the present case, the learned RC has considered the material aspects arising from the pleadings and evidence and has given reasons for accepting the Respondents' case on both *bona fide* requirement and alternate suitable accommodation.

29. Learned counsel for the Petitioner has not been able to demonstrate any material evidence which was wholly ignored by the learned RC or any finding which is such that no reasonable person, on the material available on record, could have arrived at the same. The present challenge, in substance, seeks a re-appreciation of the evidence on the issues which have already been adjudicated upon after trial.

30. This Court, therefore, finds no perversity, jurisdictional error, illegality or material irregularity in the Impugned Order warranting interference in exercise of the limited revisional jurisdiction under the proviso to Section 25-B(8) of the DRC Act.

31. Consequently, the present Petition, being devoid of merit, stands dismissed.



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

HARISH VAIDYANATHAN SHANKAR, J.
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