



\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI*Judgment pronounced on: 03.01.2024*

+

RC.REV.109/2023 and CM No.20693/2023**R.S. CHADHA (THROUGH SPA)****... Petitioner****versus****THAKUR DASS****... Respondent****Advocates who appeared in this case:**

For the Petitioner : Mr. Suresh Sharma, Adv. along with
Mr. Vishal Chadha (SPA) in person

For the Respondent : Mr. O.P. Aggarwal, Adv.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****[Physical Court Hearing/ Hybrid Hearing]****JUDGMENT****TARA VITASTA GANJU, J.:****Preface:**

1. The present Revision Petition has been filed by the Petitioner/tenant impugning the Order dated 19.01.2023 passed by the learned Rent Controller (South East District), Saket Courts, New Delhi [hereinafter referred to as "Eviction Order"] in respect to property bearing no. i.e. 416/2, Ground Floor, Jangpura, Bhogal, New Delhi [hereinafter referred to as "demised Premises"].



- 1.1 By way of the Eviction Order, the Application for Leave to defend/contest filed by the Petitioner/tenant has been dismissed and the Eviction Petition filed before the Trial Court under Section 14(1)(e) [hereinafter referred to as "Eviction Petition"] of Delhi Rent Control Act, 1958 [hereinafter referred to as "the Act"] has been allowed.

Facts:

2. Briefly, the Respondent/landlord filed an Eviction Petition seeking eviction of the Petitioner/tenant from the demised Premises for the *bonafide* need of the residence for him and his family members.
- 2.1 The Respondent/landlord is stated to be living in a property comprising of two rooms on the first floor, at No. B-40, Sanwal Nagar, Kotla Mubarakpur, New Delhi - 110049 [hereinafter referred to as "B-40 property"], which is not sufficient for the Respondent/landlord and his family's accommodation.
- 2.2 An Application for Leave to defend/contest was filed by the Petitioner/tenant [hereinafter referred to as "Application"] through an attorney authorised by a Special Power of Attorney dated 25.02.2019 [hereinafter referred to as "S.P.A."] wherein it was contended that the Respondent/landlord has sufficient alternate accommodation available with him which has been concealed and hence, triable issues have been raised for grant of Leave to Defend.



- 2.3 It has been contended in the Application that the Respondent/landlord is in possession of the entire B-40 property, comprising of ground, first and second/*Barsati* Floor. The Petitioner/tenant has further contended that the Respondent/landlord is also the owner and in possession of another property i.e., A-30, Sanwal Nagar, New Delhi [hereinafter referred to as "A-30 property"], which has been concealed by him.
- 2.4 The Petitioner/tenant has also challenged the ownership of the Respondent/landlord over the demised Premises stating that father of the Respondent/landlord was never the owner of the demised Premises but the same was in the name of some third party. It has been further claimed that the other legal heirs of the father of Respondent/landlord have not filed the Eviction Petition along with the Respondent/landlord and that there is a title dispute between the Respondent/landlord and his siblings.
3. By the Eviction Order, the Application was dismissed as no triable issues were raised by the Petitioner/tenant. It was held by the Trial Court that the accommodation in the first and second floor in the building where the demised Premises is located was not yet available to the Respondent/landlord, as the Eviction Orders had only recently been passed and thus, the need of the Respondent/landlord for additional accommodation was *bonafide*. It was further held that the



Respondent/landlord has shown a better title than the Petitioner/tenant and hence, is entitled to an order of eviction.

- 3.1 Aggrieved by the Eviction Order, the present Revision Petition has been filed.
4. After hearing arguments, both parties were directed to file their Written Submissions in the matter and judgement was reserved.

Contentions of the Petitioner/tenant:

5. Learned Counsel appearing on behalf of the Petitioner/tenant submits that the Respondent/landlord has filed the Eviction Petition and the same is nothing but a ruse to obtain an Eviction Order against the Petitioner/tenant. The Respondent/landlord has no *bonafide* requirement for the demised Premises, but the requirement disclosed in the Eviction Petition is only as additional accommodation and hence, leave should have been granted. Reliance was placed on *Mohd. Jafar v. Nasra Begum*¹.
- 5.1 Learned Counsel for the Petitioner/tenant also submits that the Respondent/landlord is guilty of suppressing material information as he had claimed to be in possession of only two rooms on first floor in the B-40 property. However, as per documents of the B-40 property placed on record by the Petitioner/tenant herein i.e. WILL dated

¹ 2012 SCC OnLine Del 3520



08.04.1987 [hereinafter referred to as “Will”], GPA, SPA, Affidavit, Indemnity Bond, executed by Respondent/landlord's mother in his favour, the B-40 property has been described as three rooms, one bathroom, one kitchen and one toilet on the first floor, in addition to two rooms, one shop, one kitchen, one bathroom, one godown, open courtyard and staircase on the ground floor of the B-40 property. The B-40 property is most suitable accommodation being already available with the Respondent/landlord. Since, the alternate accommodation was concealed by the Respondent/landlord, relying on the judgments in the case of *Kishan Chand v. Chiman Lal*² and *Munna alias Manoj v. Ram Narain*³, it is contended that leave to defend should have been granted.

- 5.2 It has been further contended that admittedly, the Respondent/landlord has already obtained an eviction order against the other tenants on first and second/*Barsati* floor of the building where demised Premises is located [hereinafter referred to as "Jangpura property"] and thus, the said space is also vacant and available with the Respondent/landlord.
- 5.3 It has also been contended that the father of the Respondent/landlord was never the owner of the demised Premises but in fact the demised Premises was in the name of some third party. The other legal heirs of the father of the Respondent/landlord have not filed the Eviction

² (2003) 9 SCC 151

³ RC.REV. NO. 142/2011, decided on 02.11.2011



Petition along with the Respondent/landlord and there persists an ownership dispute between the Respondent/landlord and the other legal heirs.

- 5.4 The Eviction Order has been based on assumptions and presumptions and is not supported by evidence with respect to the observations made therein. Reference is made to the following extract of paragraph 10 of the Eviction Order :

"10.Over the number of years, the petitioner may have converted three rooms into two rooms only, to increase the size of room or may be using the third room as storage space only. The same is a matter of speculation, but it cannot be denied that the total space to the petitioner on the first floor of the said property would still be the same only, be it in the form of two rooms or three rooms. The said space cannot be said to be sufficient for residential accommodation of a family as large as the petitioner's family comprising of at least five members..."

- 5.5 It is further submitted that the Trial Court has ignored the availability of a store on the ground floor of the B-40 property and since the Respondent/landlord has five rooms and a store on the ground floor, he has sufficient accommodation for himself and his family.
- 5.6 It was also averred that once a doubt was raised in the mind of the learned Rent Controller regarding the availability of sufficient alternate accommodation, including as is evident from paragraph 10 of the Eviction Order, the learned ARC ought to have allowed the Application. Reliance was placed on the judgments in the case of ***Deepak Gupta v. Sushma Aggarwal***⁴ and ***Sukh Dev Raj Sharma v.***

⁴ 2013 SCC OnLine Del 2793



*Kuljeet Singh Jass*⁵ to submit that not allowing the leave to defend in such circumstances, would defeat the intent of this Act.

Contentions of the Respondent/landlord:

6. Learned Counsel appearing on behalf of the Respondent/landlord submits that no triable issues was raised by the Petitioner/tenant before the Trial Court and hence, the Eviction Order was passed. It was contended that the Eviction Order has correctly dealt with all the contentions raised by the Petitioner/tenant.
- 6.1 Learned Counsel for Respondent/landlord submits that the Respondent/landlord is residing on first floor consisting of two rooms and kitchen in the B-40 property. However, since the Respondent/landlord has a large family comprising of himself, his wife, two unmarried daughters and one married daughter and his son who is now of marriageable age, additional accommodation is required. It is contended that the Respondent/landlord requires one room for himself and his wife, three rooms for his son and two unmarried daughters and one room for his married daughter, apart from a kitchen and premises for staff.
- 6.2 It is contended that there is no title dispute with respect to the property where the demised Premises is located. However, a Probate Petition *qua* the Will of the Respondent/landlord's mother is pending

⁵ 2012 SCC OnLine Del 5189



adjudication before the District Courts at Saket, New Delhi.

- 6.3 The brother of Respondent/landlord is residing on ground floor and also is in possession of a shop on the ground floor in the B-40 property. In addition, there is another shop in possession of the Respondent/landlord on the ground floor which is used for the livelihood of the Respondent/landlord and hence, the ground floor of the B-40 property is not available. The property bearing no. A-30, Sanwal Nagar, Delhi is in the possession of the Respondent/landlords brother and his family members and it is contended that the Respondent/landlord has nothing to do with this property. Hence, it is submitted that there was no concealment by the Respondent/landlord.
- 6.4 Learned counsel for the Respondent/landlord further places reliance on *Shiv Sarup Gupta Vs Mahesh Chand Gupta*⁶ to state that it is at the discretion of the landlord to choose amongst the accommodation available, if more than one accommodation available to him and the decision should be respected by the Court. Hence, no triable issues are raised by the Petitioner/tenant.
- 6.5 Learned counsel for the Respondent/landlord relies on the judgment of this Court in *Shanti Devi Vs Raksha Ahluwalia*⁷ and *Mohinder Kumar Vs Mohini Devi & Others*⁸ to contend that it is not for the

⁶ AIR 1999 SC 2507

⁷ 2017 (1) RCR (Rent) 368, Delhi High Court

⁸ 2008 (2) RCR (Rent) 593



Petitioner/tenant to dictate to the landlord as to which premises are to be utilized and in what manner.

- 6.6 It is further contended that neither Petitioner/tenant nor his attorney are residing in the demised Premises and the demised Premises is lying locked and that the electricity has also been disconnected for non-payment of the electricity bills. The Petitioner/tenant R.S. Chadha is residing in Canada as per the S.P.A.

Issue:

7. The question which arises for consideration in the present case is whether the Eviction Order suffers from any infirmity and whether a case under Section 14(1)(e) read with Section 25B of the Act was made out for the Petitioner/tenant to be granted Leave to Defend.

Analysis:

8. Section 25B of the Act lays down the "special procedure for the disposal of application for eviction on the ground of bona fide requirement". Sub-section (1) of Section 25B of the Act states that every application for recovery of possession on the ground specified in Section 14(1)(e) of the Act shall be dealt with in accordance with the procedure specified in Section 25B of the Act. Sub-section (8) states that no appeal or second appeal shall lie against an order for the recovery of possession of any premises made by the Rent Controller in accordance with the procedure specified in this section.



- 8.1 The proviso to Section 25-B(8) of the Act sets forth that this Court may exercise jurisdiction to satisfy itself if an order passed under Section 25-B is according to law.
- 8.2 The Supreme Court in the *Abid-Ul-Islam v. Inder Sain Dua*⁹ while relying on the judgment in the case of *Sarla Ahuja v. United India Insurance Co. Ltd.*¹⁰ has clarified the scope and ambit of the proviso to Section 25-B(8) of the Act. It has been held that the Legislature was very clear in its intent to consciously remove the right of two stages of appeal and replace it with the power of revision. The scope of interference has been confined to an error apparent showing absence of adjudication *per se*, the High Court should not interfere with a decision of the Trial Court. It is further held that the suggestion of the High Court must be confined to the limited sphere that the order of the Rent Controller is in accordance with law and that the Rent Controller would have reached such a finding based on the facts involved, as follows:

*“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.***

⁹ (2022) 6 SCC 30

¹⁰ (1998) 8 SCC 119



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."

[Emphasis supplied]

9. Leave to defend to a tenant cannot be granted on a mere asking and what has to be seen while granting a Leave to Defend, is that there is a strong *prima facie* case against the landlord who is seeking eviction. The Supreme Court in the case of ***Inderjeet Kaur v. Nirpal Singh***¹¹, has held that :

*"13. We are of the considered view that at a stage when the tenant seeks leave to defend, it is enough if he prima facie makes out a case by disclosing such facts as would disentitle the landlord from obtaining an order of eviction. **It would not be a right approach to say that unless the tenant at that stage itself establishes a strong case as would non-suit the landlord, leave to defend should not be granted when it is not the requirement of Section 25-B(5). A leave to defend sought for cannot also be granted for mere asking or in a routine manner which will defeat the very object of the special provisions contained in Chapter III-A of the Act. Leave to defend cannot be refused where an eviction petition is filed on a mere design or desire of a landlord to recover possession of the premises from a tenant under clause (e) of the proviso to sub-section (1) of Section 14, when as a matter of fact the requirement may not be bona fide.***

*The ground under clause (e) of the proviso to sub-section (1) of Section 14 enables a landlord to recover possession of the tenanted premises on the ground of his bona fide requirement. **This being an enabling provision, essentially the burden is on the landlord to establish his case affirmatively. In short and substance, a wholly frivolous and totally untenable defence may not entitle a tenant to leave to defend, but when a triable issue is raised a duty is placed on the Rent Controller by the statute itself to grant leave. At the stage of granting leave the real test should be whether facts disclosed in the affidavit filed seeking leave to defend prima facie***

¹¹ (2001) 1 SCC 706



show that the landlord would be disentitled from obtaining an order of eviction and not whether at the end defence may fail. It is well to remember that when leave to defend is refused, serious consequences of eviction shall follow and the party seeking leave is denied an opportunity to test the truth of the averments made in the eviction petition by cross-examination. It may also be noticed that even in cases where leave is granted provisions are made in this very Chapter for expeditious disposal of eviction petitions....”

[Emphasis supplied]

Landlord/tenant relationship:

10. The first objection raised by the Petitioner/tenant is with respect to the landlord-tenant relationship. The Petitioner/tenant contends that as there is a title dispute regarding the demised Premises and thus, the Respondent/landlord cannot be permitted to seek eviction of the Petitioner/tenant.
- 10.1 It is settled law that what a landlord has to prove is a better title than the tenant to seek his eviction from a tenanted premises under Section 14(1)(e) of the Act. The Supreme Court in the case of ***Shanti Sharma v. Ved Prabha***¹² has held as follows:

"14. The word "owner" has not been defined in this Act and the word 'owner' has also not been defined in the Transfer of Property Act. The contention of the learned Counsel for the appellant appears to be that ownership means absolute ownership in the land as well as of the structure standing thereupon. Ordinarily, the concept of ownership may be what is contended by the counsel for the appellant but in the modern context where it is more or less admitted that all lands belong to the State, the persons who hold properties will only be lessees or the persons holding the land on some term from the government or the authorities constituted by the State and in this view of the matter it could not be thought of that the legislature when

¹² (1987) 4 SCC 193



it used the term “owner” in the provision of Section 14(1)(e) it thought of ownership as absolute ownership. It must be presumed that the concept of ownership only will be as it is understood at present. **It could not be doubted that the term “owner” has to be understood in the context of the background of the law and what is contemplated in the scheme of the Act.** This Act has been enacted for protection of the tenants. But at the same time it has provided that the landlord under certain circumstances will be entitled to eviction and bona fide requirement is one of such grounds on the basis of which landlords have been permitted to have eviction of a tenant. **In this context, the phrase “owner” thereof has to be understood, and it is clear that what is contemplated is that where the person builds up his property and lets out to the tenant and subsequently needs it for his own use, he should be entitled to an order or decree for eviction the only thing necessary for him to prove is bona fide requirement and that he is the owner thereof. In this context, what appears to be the meaning of the term “owner” is vis-a-vis the tenant i.e. the owner should be something more than the tenant.** Admittedly in these cases where the plot of land is taken on lease the structure is built by the landlord and admittedly he is the owner of the structure”

[Emphasis supplied]

10.2 The Supreme Court in the case of ***Swadesh Ranjan Sinha v. Haradeb Banerjee***¹³, in the context of ownership in an eviction petition, has further clarified that:

“9. All that a plaintiff needs to prove is that he has a better title than the defendant. He has no burden to show that he has the best of all possible titles. His ownership is good against all the world except the true owner. The rights of an owner are seldom absolute, and often are in many respects controlled and regulated by statute. The question, however, is whether he has a superior right or interest vis-a-vis the person challenging it....”

[Emphasis supplied]

10.3 The Petitioner/tenant has not claimed the ownership of the demised

¹³ (1991) 4 SCC 572



Premises but has stated that the Respondent/landlord is in a dispute with respect to the demised Premises with his brother. Relying on a Probate Petition which is pending before the District Courts at Saket, New Delhi, it is contended that a ‘no-objection’ from the brother has not been taken by the Respondent/landlord prior to filing of the Eviction Petition.

10.4 It is settled law that a co-owner of a premises acts as an agent of the other co-owners and can file an eviction petition without joining the other co-owners. The consent of all co-owners is assumed unless shown to the contrary. [See *India Umbrella Manufacturing Co. and Ors. v. Bhagabandei Agarwalla (Dead) by LRs and Ors.*¹⁴]. Thus a ‘no-objection’ from a co-owner, assuming there are any co-owner(s), is not requisite in law.

10.5 In any event, the Probate Petition has been filed by the Respondent/landlord against his brother, *qua* the Will of their mother. The Probate Petition does not form subject matter of dispute between the parties to the present Petition. The Respondent/landlord has in the Eviction Petition stated that he is the owner of the demised Premises and that the rental was paid by the Petitioner/tenant to the Respondent/landlord upto the year 2008. Rent receipts have also been filed by the Respondent/landlord. The Petitioner/tenant has not disputed these averments and also has not put forth any claim of

¹⁴ (2004) 3 SCC 178



ownership with respect to the demised Premises. Relying on the judgments in the case of *Shanti Sharma* and *Swadesh Ranjan Sinha* case, the Respondent/landlord does have a better title than the Petitioner/tenant with respect to the demised premises. Thus, this objection of the Petitioner/tenant fails.

Availability of alternate accommodation:

11. It is the case of the Petitioner/tenant that there is alternate accommodation available with the Respondent/landlord that is suitable for his residence. It is contended by the Petitioner/tenant that the following accommodation is available with the Respondent/landlord:

- (i) The A-30 property;
- (ii) Ground and *Barsati* on second floor of the B-40 property; and
- (iii) First and second floor of the Jangpura property.

11.1 The A-30 property has been stated by the Respondent/landlord to be the property occupied by his brother. No document was placed on record by the Petitioner/tenant to refute this averment. Thus, this property is not available with the Respondent/landlord for his residence.

11.2 It is stated by the Respondent/landlord that the ground and second/*Barsati* floor of the B-40 property is not available for his accommodation. The accommodation on the ground floor, even as per the Petitioner/tenant is two rooms, one shop, one kitchen, one



bathroom, one godown, etc. It is stated by the Petitioner/tenant, that in terms of the Will, the entire B-40 property has been bequeathed to the Respondent/landlord. However, the Respondent/landlord has clarified that only one shop is in the occupation of the Respondent/landlord and the other shop with the remaining portion on the ground floor of the B-40 property is in occupation of his brother. It has further been stated by the Respondent/landlord in reply to the Application that there exists no accommodation on the second/*Barsati* floor in the B-40 property. No document has been shown by the Petitioner/tenant to suggest otherwise. Admittedly, the Probate Petition *qua* the B-40 property is still pending adjudication between the Respondent/landlord and his brother. There is thus no reason to disbelieve the fact that the ground floor is not available to the Respondent/landlord for the residence of his family. Since the Respondent/landlord and his brother are using the shops on the ground floor for their livelihood, it stands to reason that this part of the property is not available to the Respondent/landlord for his residential use.

- 11.3 The Petitioner/tenant has contended that the first and second/*Barsati* floor of the Jangpura property which was previously occupied by the tenants of the Respondent/landlord was vacated, to contend that this property was most suitable for the residence of the Respondent/landlord and his family members. Although, the eviction order directing vacation of the Jangpura property was passed prior to the passing of the impugned Eviction Order, the Trial Court was of the



view that it is not immediately upon an eviction order being passed, that possession is available to a Respondent/landlord and it was held that '*passing of the Eviction Order and taking over actual possession are two different things*'. It is, therefore, held in the Eviction Order that the Jangpura property is also not available to the Respondent/landlord. Since possession of the Jangpura property had admittedly not been taken over by the Respondent/landlord, this Court finds no infirmity with the said finding of the Trial Court.

- 11.4 The Supreme Court in *Shiv Sarup Gupta* case has held that alternate accommodation available must be suitable in comparison to the premises from where the landlord is seeking eviction, and in this regard, the convenience and safety of the landlord and his family members would be of relevance. The plea of availability of alternate accommodation as set up by the Petitioner/tenant as a ground for dismissal of the Eviction Petition has already been discussed above. Thus, this defence raised by the Petitioner/tenant is untenable.

Concealment:

12. The Petitioner/tenant contended that the Respondent/landlord has concealed the fact that Jangpura property was vacated by its tenants and was available to the Respondent/landlord at the time of filing of the Eviction Petition. The record shows that the Eviction Petition was signed/affirmed on 16.12.2017 and filed on 09.01.2018. Since, it is averred that the Jangpura property became available to the



Respondent/landlord subsequently, there is no concealment in the Eviction Petition.

- 12.1 In any event, this fact was admitted by the Respondent/landlord in his Reply to the Application. Thus, it cannot be said that the Respondent/landlord has concealed availability of additional accommodation.
- 12.2 In addition, the non-disclosure of the pendency of the Probate proceedings *qua* the Will of the mother of the Respondent/landlord can also not be said to be concealment. The *inter-se* dispute between the Respondent/landlord and his brother's family members *qua* the Will is not the subject matter of the present *lis* under Section 14(1)(e) of the Act and hence, its non-disclosure cannot be said to be fatal to such Petition. Accordingly, the plea of concealment raised by the Petitioner/tenant fails.

Findings :

13. The Respondent/landlord has specifically set forth that he requires six rooms in addition to one shop, one kitchen, one bathroom, one godown, etc. for his residence and that of his family members. No dispute has been raised by the Petitioner/tenant as to the number of members of the Respondent/landlord's family instead it has been contended that the accommodation already available is suitable for the Respondent/landlord.



13.1 It is settled law that the tenant cannot dictate the terms of use of a property to a landlord and that the landlord is the best judge of his requirements. It is not for the Courts to dictate in what manner and how a landlord should live. It is also not for the Courts to adjudicate that the landlord has a *bonafide* need or not. The Courts will generally accept the landlords need as *bonafide*. The Supreme Court in the case of *Prativa Devi (Smt) v. T.V. Krishnan*¹⁵ has directed:

*“2. The proven facts are that the appellant who is a widow, since the demise of her husband late Shiv Nath Mukherjee, has been staying as a guest with Shri N.C. Chatterjee who was a family friend of her late husband, at B-4/20, Safdarjang Enclave, New Delhi. There is nothing to show that she has any kind of right whatever to stay in the house of Shri Chatterjee. On the other hand, she is there merely by sufferance. The reason given by the High Court that the appellant is an old lady aged about 70 years and has no one to look after her and therefore she should continue to live with Shri Chatterjee, was hardly a ground sufficient for interference. **The landlord is the best judge of his residential requirement. He has a complete freedom in the matter. It is no concern of the courts to dictate to the landlord how, and in what manner, he should live or to prescribe for him a residential standard of their own.** The High Court is rather solicitous about the age of the appellant and thinks that because of her age she needs to be looked after. Now, that is a lookout of the appellant and not of the High Court. **We fail to appreciate the High Court giving such a gratuitous advice which was uncalled for. There is no law which deprives the landlord of the beneficial enjoyment of his property.** We accordingly reverse the finding reached by the High Court and restore that of the Rent Controller that the appellant had established her bona fide requirement of the demised premises for her personal use and occupation, which finding was based on a proper appreciation of the evidence in the light of the surrounding circumstances.”*

[Emphasis supplied]

¹⁵ (1996) 5 SCC 353



- 13.2 In any event, it is only the Respondent/landlord and his family who can decide what is sufficient space as per their needs and requirements. Sufficiency of residential accommodation for any person would essentially be dependent on multiple factors, including his living standard and general status in society. In view of the fact that admittedly the Respondent/landlord has a large family, it is not open to the Petitioner/tenant to contend that requirement of 6 rooms as pleaded by the Respondent/landlord, is not *bonafide*.
- 13.3 The Trial Court has dealt with the sufficiency of accommodation of the Respondent/landlord in the Impugned Order. This Court finds no reason to impugn these findings.
14. In any event, Section 19 of the Act affords adequate protection to the tenant against unscrupulous landlords who get the demised Premises vacated on a false premise that the property is required for their *bona fide* need for the need of residential purposes. The Petitioners/Tenant has the option to invoke Section 19 of the Act to get back the possession of the demised Premises, in case the Respondent/landlord does not use the demised Premises for the purpose as set forth in the Eviction Petition.
15. In view of the foregoing discussions, this Court finds no infirmity with the Eviction Order. The Revision Petition is accordingly dismissed. Pending Application also stands disposed of.



2024:DHC:8



16. There shall be no orders as to costs.

TARA VITASTA GANJU, J.

JANAURY 03, 2024/SA/r