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

+ **RC.REV. 240/2018**

RAJU TOMAR @ RAJBEER

..... Petitioner

Through: Mr D.K. Sharma, Mr Bhawal Gaur
and Ms Shreen Sharma, Advs.

versus

KAMLESH & ANR

..... Respondents

Through: Counsel for respondents (appearance
not given)

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

22.03.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. By this petition, the landlord assails order of the learned Additional Rent Controller whereby the eviction petition was dismissed after full dress trial. The eviction petition was dismissed mainly on the ground that sons of the petitioner/landlord are gainfully employed, so not dependent upon him for the purposes of accommodation as contemplated under Section 14(1)(e) of the Delhi Rent Control Act. On this aspect, learned counsel for respondents/tenants fairly admits that while construing the expression “family” under Section 14(1)(e) of the Delhi Rent Control Act, the dependence need not necessarily be only financial dependence; emotional dependence also is a vital factor. That being so, the impugned order would not be sustainable.

2. But there is another aspect. According to learned counsel for



respondents/tenants, the specific ground taken by them in the written statement qua availability of reasonably suitable accommodation was not examined and adjudicated upon by the learned Additional Rent Controller.

3. Under these circumstances, as consented by both sides, the impugned order is set aside and matter is remanded to the learned Additional Rent Controller with the directions to hear final arguments afresh and adjudicate upon all contentions of both sides by way of fresh order. For this purpose, a copy of this order be given to both sides to be presented before the learned Additional Rent Controller on 01.04.2024 and thereafter, learned Additional Rent Controller shall fix date of final arguments as per his calendar and shall finally dispose of the matter within two months from today. All pending applications according stand disposed of.

GIRISH KATHPALIA, J

MARCH 22, 2024/rk

[Click here to check corrigendum, if any](#)