



2025:DHC:11798



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: December 2, 2025

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Pronounced on: December 23, 2025

+ RC.REV. 246/2019

PRIYANKA CHOWDHARY

.....Petitioner

Through: Mr. Hitendra Kr. Nahata and Mr.
Puru C., Advocates.

Versus

HARI RAM @ HARI PRAKASH (DECEASED) THR LRS

.....Respondent

Through: Ms. Khyati Jain, Mr. Hariom Gupta,
Mr. Prince Choudhary, Ms. Sukriti
Gupta and Mr. Annanya Giri,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. The petitioner/ landlady¹ filed an Eviction Petition being No. E-504/14/2012 New No.79384/2016 entitled '*Priyanka Chaudhary vs. Hari Ram @ Hari Prakash*' under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958² against the respondent/ tenant³ seeking eviction of premises being the entire first floor and one room on the second floor terrace of property situated at 2735-2736, Chhattar Pratap Singh, Kinari Bazar, Delhi-110 006, before the learned Additional Rent Controller-02, Central District, Tis Hazari Courts, Delhi⁴, on the ground that the landlady was in *bona fide*

¹ Hereinafter '*landlady*'

² Hereinafter '*DRC Act*'

³ Hereinafter '*tenant*'

⁴ Hereinafter '*learned ARC*'



need of it for her residential purposes with her family members.

2. *Briefly put*, it was the case of the landlady therein that she became the owner of the subject premises by virtue of a Sale Deed dated 24.06.2003 executed between the landlady and Sh. Dhanna Lal Jain and Sh. Surinder Kumar Jain, when, the tenant was already in possession of the subject premises. The landlady was residing with her husband, two children, father-in-law, and mother-in-law at nearby property bearing No.2769, second floor, Chhattar Pratap Singh, Kinari Bazar, Delhi-110 006, a house comprising of only three rooms. As per her, she required additional accommodation due to the ongoing differences with her in-laws and the inadequate space in her current dwelling. She, specifically, sought two rooms for her growing children, one room for her personal use, one room for guests, one room for *pooja*, as well as a drawing room and a dining room, in addition to a servant room and terrace for her children's use. Lastly, as per the landlady, she had no other suitable *alternative accommodation* available with her apart from the subject premises to cater to her *bona fide requirement*.

3. Upon being served, the tenant filed application under *Section 25B(4)* of the DRC Act seeking leave to defend, which was allowed *vide* order dated 07.03.2015. Thereafter, the tenant filed his written statement primarily submitting that the petitioner had no *locus standi* to file the Eviction Petition since she was neither the owner nor the landlady of the subject premises as the same was owned by a Trust and that the respondent had been inducted as a tenant by the Trust and had been tendering rent only to the Trust. It was also his case that the landlady was claiming ownership of the subject premises on the basis of a Sale Deed dated 24.06.2003,



wherein Late Smt. Kesar Devi, widow of Shri Babu Mal @ Amirchand Ji, was shown as the owner of the property, however, according to a Will dated 12.11.1951, Late Smt. Kesar Devi had categorically stated therein that she was not the owner of the subject premises and that one Late Lala Hazari Mal was the owner thereof, who had, by virtue of a registered Will dated 17.05.1945, created a Trust in respect of the property. He submitted that the alleged Sale Deed dated 24.06.2003 was a sham and fabricated document, as the purported vendors therein had no title, right, or interest in the subject premises and, in any event, the execution of the said Sale Deed was contrary to the terms and conditions of the Trust Deed. Lastly, it was contended that the landlady was in possession of sufficient *alternative accommodations* being property bearing nos.2378 and 2735-2736, Chhattar Pratap Singh, Kinari Bazar, Delhi-110 006, and that the requirement projected by the landlady was neither genuine nor *bona fide*.

4. The learned ARC then passed the judgment dated 31.01.2019⁵ dismissing the Eviction Petition of the landlady on the count that she failed to prove her ownership *qua* the subject premises as also the existence of a *landlord tenant relationship* between the parties.

5. Hence, the landlady filed the present revision petition seeking setting aside of the said impugned judgment dated 31.01.2019 passed by the learned ARC.

6. Although the landlady has raised many grounds in the present petition, however, Mr. Hitendra Kr. Nahata, learned counsel for the landlady primarily submitted that the learned ARC has exceeded jurisdiction and travelled beyond the scope of the DRC Act by examining

⁵ Hereinafter "*impugned judgment*"



and adjudicating upon the issue *qua* ownership of the subject premises. This, despite it being a settled law that there was no stringent duty cast upon the landlady to establish/ prove her ownership for the purposes of *Section 14(1)(e)* of the DRC Act as it is under the Transfer of Property Act, 1882. The learned counsel further submitted that as per well-established principles of law, the landlady was not required to prove absolute or perfect title and was only obliged to demonstrate that she was something more than a tenant, and that in proceedings under *Section 14(1)(e)* of the DRC Act, the manner or mode of acquisition of the subject premises by the landlady was wholly irrelevant and beyond the tenant's domain of inquiry as the tenant could not assume the role of a contender to the title of the landlady. Thus, the learned counsel submitted that the conclusion arrived at by the learned ARC in the impugned judgment, being erroneous, untenable and contrary to the settled position of law, are liable to be set aside.

7. To substantiate the aforesaid contentions, Mr. Hitendra Kr. Nahata, relied upon the dictum observed in *Bharat Bhushan Vij vs. Arti Techchandani*⁶, *Menakshi vs. Ramesh Khanna & Anr.*⁷, *Sheela & Ors. vs. Firm Prahlad Rai Prem Prakash*⁸ and *Shanti Sharma vs. Ved Prabha*⁹.

8. *Per contra*, Ms. Khyati Jain, learned counsel for the respondent/ tenant, submitted that the alleged Sale Deed dated 24.06.2003, by virtue whereof, the landlady claimed ownership of the subject premises, categorically mentions that Late Smt. Kesar Devi was the owner of the

⁶ (2008) 153 DLT 247

⁷ (1995) 60 DLT 524

⁸ (2002) 3 SCC 375

⁹ (1987) 4 SCC 193



property wherein the subject premises is situated, however, as per the Will dated 12.11.1951 executed by Late Smt. Kesar Devi, it can be discerned that she was not the owner of the subject premises, and the real owner was Late Lala Hazari Mal, who, by virtue of a Will dated 17.05.1945, had endowed the said property in charity to a Trust. The learned counsel then submitted that since the alleged Sale Deed dated 24.06.2003 is a sham and fabricated document, the landlady had no right, title, or interest in the subject premises. In any event, the execution of the said Sale Deed dated 24.06.2003 was in clear violation of and contrary to the terms and conditions of the Trust Deed. Lastly, supporting the impugned judgment, the learned counsel submitted that the learned ARC has correctly adjudicated the issues *qua* ownership and that there was no *landlord tenant relationship* existing between the parties. Hence, the learned counsel concluded that there was no case for interference by this Court.

9. This Court has heard Mr. Hitendra Kr. Nahata, learned counsel for the landlady, and Ms. Khyati Jain, learned counsel for the tenant at considerable length, and carefully gone through the documents and pleadings on record as also the judgments cited by them at the Bar.

10. Record reveals that the landlady was able to file the requisite documents in the form of duly registered Sale Deed dated 24.06.2003 [*Ex. PW1/I*] as also rent receipts [*Ex. PW2/I (Colly)*] issued by the landlady to the tenant, and the tenant had, *admittedly*, not filed anything substantive from his end and barely made bald assertions of being inducted by a Trust and that he was paying rent to a Trust, and that too after a full-fledged trial. There was no reason for the learned ARC to go into the issue of ownership of the landlady whence, there were rent receipts [*Ex. PW2/I (Colly)*] to



establish a better title of the landlady than the tenant. In fact, the learned ARC while dealing with eviction proceedings under *Section 14(1)(e)* of the DRC Act was required to give more weightage to those rent receipts [*Ex. PW2/1 (Colly)*] over the issue of ownership, as they clearly were enough to conclude that even if the landlady was not the absolute owner, she indeed possessed a title better than the tenant. More so, whence the tenant was unable to show anything better than the landlady.

11. In terms of *Bansraj Lataprasad Mishra vs. Stanley Parker Jones*¹⁰ and *Shanti Sharma (supra)*, it is now well-settled that for the purpose of seeking eviction, the landlady was only required to show that she was enjoying rights in respect of the subject premises and held a better title than the tenant. In fact, the vesting of absolute ownership is not a pre-requisite for adjudication of an Eviction Petition under *Section 14(1)(e)* of the DRC Act, and the landlady's ownership is good against the world except the true owner. Ignoring that, the learned ARC has travelled far beyond the permissible scope and purview of the DRC Act by treading into the issue of ownership/ title of the landlady in the subject premises by simply observing that the Sale Deed dated 24.06.2003 was not sufficient to prove her ownership thereof and hence, no *landlord tenant relationship* existed between the parties. This is at the cost of ignoring the sufficient material on record. The same is wholly unjustified, impermissible and contrary to the settled position of law.

12. *Interestingly*, barring the aspect of ownership, the learned ARC has not rendered any findings *qua* the *bona fide requirement* by the landlady as

¹⁰ (2006) 3 SCC 91



also availability of a suitable *alternative accommodation* with her, however, for the sake of completeness, *qua* the aspect of *bona fide requirement* by the landlady, this Court is of the view that, as held in ***Baldev Singh Bajwa vs. Monish Saini***¹¹, ***Kanahaiya Lal Arya vs. Md. Ehshan & Ors.***¹², it was the landlady who was the sole and best judge of her *bona fide requirement*, and it is not for the tenant like the respondent herein, nor for this Court, to dictate the terms and go into the aspect of suitability and/ or convenience and/ or choice of the said requirement, much less adequacy thereof. Since the tenant was unable to stand on his own legs as also failed to substantiate his plea *qua* there being no *bona fide requirement* of the landlady by any credible proof, the said plea being bald, vague and bereft of any material particulars is not liable to sustain.

13. Regarding *alternative accommodation* available with the landlady, though the learned ARC has once again not rendered any findings as also since the tenant has not addressed any arguments before this Court, however, in view of ***Yodh Raj, Satya Prakash & Sons [Firm] & Anr. v. Narain Kumar & Sons [HUF]***¹³, it was the paramount discretion of the landlady to assess her own requirements, needs, necessities, purpose, sufficiency and suitability *qua* residing in the subject premises with her family members, on which the tenant has no say, especially, whence there was nothing on record substantiating anything contrary thereto, barring bald assertions before the learned ARC.

14. Lastly, and pertinently, though this Court in revisional jurisdiction

¹¹ MANU/SC/0264/2025

¹² AIR 1999 SC 100

¹³ (2016) 227 DLT 363



cannot assume the powers of an Appellate Court and substitute its views in place of those expressed by the learned ARC, nonetheless, as held in *Hindustan Petroleum Corporation Limited vs. Dilbahar Singh*¹⁴, it is well-settled that while acting in supervisory jurisdiction under *Section 25B(8)* of the DRC Act, this Court can test whether the impugned judgment/ order suffers from any arbitrariness, perversity, illegality, impropriety or the like. Upon finding manifest errors of such nature apparent on the face of the record, it becomes the bounden duty of this Court to invoke its powers under revisional jurisdiction.

15. In view of the aforesaid analysis, since there are manifest errors in the impugned judgment, the present revision petition is allowed and the impugned judgment dated 31.01.2019 passed by the learned ARC is set aside.

16. Consequently, an order of eviction is passed in favour of the landlady in respect of premises being the entire first floor and one room on the second floor terrace of property situated at 2735-2736, Chhattar Pratap Singh, Kinari Bazar Delhi-110 006 and the tenant is directed to hand over vacant, peaceful and physical possession of the subject premises to the landlady, *albeit*, after availing the benefit of a *six months* period from today as per *Section 14(7)* of the DRC Act.

17. Accordingly, the present petition is allowed and disposed of.

SAURABH BANERJEE, J.

DECEMBER 23, 2025/So/DA

¹⁴ (2014) 9 SCC 78