



2025:DHC:10708



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

% *Date of decision: November 27, 2025*

+ **RC.REV. 166/2020 & CM APPL. 14817/2020-Stay**

PREM NATH MALHOTRA

.....Petitioner

Through: Mr. Shiva Handa, Advocate with
petitioner in person.

Versus

NALINI KOHLI

.....Respondent

Through: Mrs. Inderjeet Saroop and Mr.
Raghav Saroop, Advocates.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (O R A L)

1. The respondent/ landlady had filed an Eviction Petition under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958 (*the Act*) seeking eviction of the petitioner/ tenant from the premises being Shop No.4, 35/16, Ashok Nagar, Tihar-II, New Delhi-110 018 (*subject premises*) on the ground of her having a *bona fide requirement* for the same for her husband, who wished to open an air-conditioning repair shop, and having no other reasonably suitable *alternative accommodation* for the said purpose.

2. In response, the tenant filed his application seeking leave to defend disputing the case of the landlady, and asserting, *inter alia*, that the landlady had suppressed substantial material from the Court, there was no landlord-tenant relationship between the parties, since the landlady is not the sole owner, and the alleged *bona fide* need of the landlady is not permissible considering that the subject premises is a mix land use



property.

3. By virtue of the order dated 17.02.2020 (*impugned order*) the learned Rent Controller, West District, Tis Hazari Courts, Delhi (*learned RC*) in RC ARC No.45/2019 has dismissed the said application whereby the tenant sought leave to defend.

4. Before this Court, it is the case of the tenant that he was able to raise a *triable issue* before the learned RC since the landlady was unable to make out a case for her *bona fide requirement* of the subject premises, and, moreover, the alleged use of the subject premises being hazardous and non-compatible with the Master Plan of Delhi, 2021 (*MPD 2021*) could not have formed the basis of her seeking eviction of the tenant from the subject premises and/ or for the learned RC to pass the impugned order.

5. Drawing the attention of this Court to *paragraph no.18(a)(6)* of the Eviction Petition filed by the landlady, the learned counsel for the tenant submits that since it is the case of the landlady that she requires the subject premises as “... ..*The husband of the petitioner has retired from his services and now intends to do the business of Repair and Servicing Centre for Refrigerator and Air Conditioners... ..*” and further that “... ..*the same is the best suitable commercial space available with the petitioner who wants her husband to augment his income as well as to keep himself busy... ..*”, and in view of MPD 2021, the landlady cannot actually carry out the same since the subject premises, being situated in a place which is having a mixed land use, the Eviction Petition was liable to be dismissed. The learned counsel draws the attention of the Court to *paragraph no.2(r)* of his application seeking leave to defend wherein he



had categorically taken the said plea. The same, for the sake of convenience, is reproduced as under:-

“® That the property bearing No.38/16, Ashok Nagar, Tihar-II, New Delhi-110 018 is 100 sq. yds. plot with three side open, is having MIX Land use property status, is in a local area of Ashok Nagar, Delhi where shops like Stationary, General Store, Pan Shop, Bisleri Water shop, cloth selling shops are in the area. It is not a commercial marked approved by government and the shop for repair work of air conditioner and refrigerator are not allowed but the petitioner and her husband had eagle eyes on the shop in question for selling it in the market and to snatch it from respondent who is aged about 69 years who is feeding his family from last about 30 years from the shop in question.”

6. Lastly, learned counsel submits that since the husband of the landlady is a senior citizen aged around 75 years, he cannot be expected to carry out the so-called commercial activities from the subject premises.

7. Barring these, learned counsel for the tenant has adduced no further arguments *qua* any of the other grounds taken in the present revision petition.

8. On the basis of the aforesaid submissions/ reasons, the learned counsel for the tenant submits that the impugned order is liable to be set aside.

9. In response, learned counsel for the landlady submits that since the tenant, who is also a senior citizen aged around 75 years, himself is carrying on commercial activities from the very same subject premises, the contentions of learned counsel for the tenant that the purpose for which the eviction of the tenant is sought from the subject premises is liable to be rejected. *Qua* the submission that the subject premises is



situated in a mixed land use, it is submitted by the learned counsel for the landlady that the same is a bald and wrong submissions made by learned counsel for the tenant, more so, it is unfounded and unsupported, and thus untenable. Lastly, the learned counsel submits that *de hors* the issues involved, the provisions of *Section 19* of the Act would, in any event, be available with the tenant, and the grounds thereof cannot be agitated before this Court.

10. This Court has heard both learned counsels for the parties and also gone through the documents and pleadings on record.

11. Since the tenant is himself, *admittedly*, carrying on with commercial activities himself from the subject premises, though of a different nature, it does not lie in the mouth of the tenant to plead that the subject premises is situated in an area having mixed land use thereof. In any event, the tenant merely made a passing reference qua the same in his application seeking leave to defend before the learned RC without any substantiation thereof or even mention of any applicable Provision(s)/ Statute(s)/ Notification(s)/ Guideline(s) or like. Therefore, the submission made by learned counsel for the tenant that the subject premises is situated in an area having mixed land use is rejected.

12. Moreover, since the age of a landlord is not a criterion for determination by the learned RC or this Court in the present proceedings, the submissions qua that is also rejected.

13. In fact, on the aspect of *bona fide* requirement, the learned RC has held as under:

“... ...The petitioner has pleaded the bonafide requirement of the suit premises on the grounds that the same is required



bonafide for the husband of the petitioner for doing business in the premises in question of repair and Servicing Center for Refrigerator and Air-Conditioners.

In the absence of any substantial material brought before the court or pointed out by the respondent in the affidavit, it cannot be said that the present application for eviction is actuated by mala-fide and has not been made with bona fide intention. Merely stating in the affidavit that the application for eviction has been made with mala-fide intention is not sufficient to sustain the contention of the respondent. The court is satisfied that there is no triable point between the parties.”

14. In light of the aforesaid categorical observations by the learned RC in the impugned order that the tenant failed to bring on record any substantial material to refute the needs urged by the landlady, this Court does not see any reason to interfere with the above findings.

15. Considering the aforesaid, and especially since the scope of interference by this Court in a revision petition is limited [*Sarla Ahuja v. Union India Insurance Company Ltd* (1998) 8 SCC 119; *Abid-ul-Islam v. Inder Sain Dua* (2022) 6 SCC 30], finding no perversity or error on the face of the impugned order, the same is upheld, and the present revision petition is dismissed.

16. Needless to say, since the statutory period of six months in terms of *Section 14(7)* of the Act is already over, the tenant is liable to handover vacant and peaceful physical possession of the subject premises to the landlady in compliance of the impugned order.

SAURABH BANERJEE, J

NOVEMBER 27, 2025/NA/Ratna

RC.REV. 166/2020

Page 5 of 5