



2025:DHC:9797



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

% ***Date of decision: November 03, 2025***

+ **RC.REV. 116/2024, CM APPL. 8662/2025**

SUBHASH GUPTA AND ANR

.....Petitioners

Through: Mr. Pradeep Gupta, Adv. (through VC).

Versus

SMT POOJA

.....Respondent

Through: Mr. Kirti Uppal, Sr. Adv. alongwith Ms. Riya Gulati and Mr. Satish Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

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

1. The respondent/ landlady¹ filed an Eviction Petition being RC/ ARC No. 09/ 20 titled as '*Smt. Pooja vs. Subhash Gupta & Ors.*' under *Section 14(1)(e)* read with *Section 25(B)* of the Delhi Rent Control Act, 1958² against the petitioners/ tenants³ seeking eviction from shop nos. 1 and 2 on ground floor of property bearing no. A-4/27, Krishna Nagar, Delhi-110051⁴ before the learned SCJ/ RC⁵, on the ground of *bona fide requirement* for opening a departmental/ grocery store to be operated by the landlady herself and her son as there was no suitable *alternative accommodation* available with her for the said purpose.

2. Succinctly put, it was the case of the landlady in her Eviction

¹ Hereinafter referred to as "*landlady*"

² Hereinafter referred to as "*DRC Act*"

³ Hereinafter referred to as "*tenants*"

⁴ Hereinafter referred to as "*subject premises*"

⁵ Hereinafter referred to as "*learned ARC*"



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Petition that her late husband became the owner of the subject premises *vide* registered Will dated 01.12.1992 executed by her late mother-in-law and subsequently, *vide* registered Will dated 27.05.2011, executed by her late husband in landlady's favour, she became the owner thereof. Further, the tenants were old joint tenants in the said shop(s), which were let out to the late father of the tenants by the late mother-in-law of the landlady through an oral agreement, and for which they were paying a monthly rent of Rs.150/-. As such, the landlady became the owner of the subject premises by operation of law. It was also her case that since she and her son Sh. Sunny Chawla intended to open a big departmental/ grocery store, a *bona fide requirement* arose although there were other *accommodations* however, they were/are not '*suitable*' for the aforesaid purpose.

3. Upon being served, the tenants filed an application under *Sections 25B(4) and 25B(5)* of the DRC Act seeking leave to defend wherein it was primarily their case that the registered Will(s) dated 01.12.1992 and 27.05.2011, through which ownership was claimed, were null and void in the absence of probate and barring the landlady, there were various other co-owners of the subject premises as well. More so, the landlady failed to disclose her source of income and her financial status. It was also their case that her son, Sh. Sunny Chawla, was already running a business of selling cosmetics and other ancillary goods under the name and style of M/s. Stella from property bearing no.KG-1/346, shop no.2, Vikaspuri, Delhi-110 018, with GSTIN No. 07ADUFS06781Z9, as also since the subject premises was situated in residential area and as per the Master Plan 2020-21, it was not fit for opening a departmental/ grocery store. It



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was also their case that the landlady had possession of shop nos.7 and 8 and a big hall situated behind the subject premises along with various other *alternative accommodations* all across Delhi, which were fit for opening up a departmental/ grocery store.

4. After hearing both sides, the learned ARC passed order dated 12.03.2020 granting leave to defend and directed the tenants to file their written statement. Thereafter, the tenants filed their written statement and both parties led their respective evidence. Based thereon, the learned ARC passed an order of eviction dated 08.12.2023⁶ in favour of the landlady and directed the tenants to vacate the subject premises.

5. Being aggrieved thereby, the tenants have preferred the present revision petition impugning the eviction order dated 08.12.2023 passed by the learned ARC.

6. This Court, *vide* order 13.02.2025 had issued notice in application being CM APPL. 8662/2025 moved by the tenants for raising additional grounds. As such, the same shall be adjudicated along with all the other grounds raised by the tenants in the present revision petition. Thereafter, this Court stayed the execution proceedings *vide* order dated 28.03.2025.

7. Today, Mr. Pradeep Gupta, learned counsel for the tenants, relying upon *Mitter Sen Jain vs. Shakuntala Devi* ⁷, *Sushil Kumar Mehta vs. Gobind Ram Bohra (Dead) through his Lrs.* ⁸, *Sunder Dass vs. Ram Prakash*, ⁹ *Seema Rani vs. Umesh Kumar Trehan*, ¹⁰ and *Nitin Arora &*

⁶ Hereafter referred to as “*impugned judgment*”

⁷ (2000) 9 SCC 720

⁸ (1990) 1 SCC 193

⁹ (1977) 2 SCC 662

¹⁰ 2023: DHC: 8446



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*Anr. vs. Umesh Kumar Trehan*¹¹ contends that since an objection to the jurisdiction can be raised at any stage and as the area where the subject premises is situated does not fall within the notified area as per *Section 1(2)* of the DRC Act read with *Section 507* of the Delhi Municipal Corporation Act, 1957,¹² the impugned judgment is *void ab-initio*.

8. Mr. Pradeep Gupta, learned counsel then contends that as per the cross examination of the landlady (*PWI*), since her son and his wife are/ were well settled as they were operating a business under the name M/s. Stella Store at M3M Urbana, R4/ 012, Ground Floor, Sector 67, Gurugram as also *admittedly* since the landlady was getting a monthly rental of Rs.2,00,000/-, she had no *bona fide requirement*. In any event, as per the learned counsel, since the landlady and her son were having differences *inter se* themselves, it cannot be assumed that they intend to start business together.

9. Lastly, Mr. Pradeep Gupta, learned counsel contends that the landlady was silent about the commercial property bearing no.C-1/1, Krishna Nagar, Delhi, although it is/ was a viable option for opening a departmental/ grocery store, especially, whence she (*PWI*) admitted so in her cross examination. The learned counsel contends that in view of order dated 09.01.2025 passed by this Court in ***RC.REV 99/ 2024*** *qua* another/ separate premises, the landlady has secured a favourable order *qua* shop nos.3 and 4 situated in the same property wherein the subject premises is situated. As such, the learned counsel contends that the landlady has/ had

¹¹ 2023: DHC: 8447

¹² Hereafter referred to as “***DMC Act***”



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alternative accommodations for her *bona fide* purpose.

10. *Per contra*, Mr. Kirti Uppal, learned senior counsel for the landlady, contends that by virtue of the Municipal Corporation of Delhi (**MCD**) Notification dated 28.06.1966, the said area where the subject premises is situated has already been converted from 'rural' to 'urban'. More so, the Central Government Notification dated 27.03.1979 reveals that the Revenue Estate, i.e., '*Ghondli*' under which the subject premises falls has since been notified under *Section 1(2)* of the DRC Act. Therefore, the learned ARC had the jurisdiction, and thus the contention of the tenants fails *qua* that.

11. Mr. Kirti Uppal, learned senior counsel further submits that as per the cross examination of landlady (**PW-1**), Sh. Sunny Chawla, son of the landlady was earlier working with his cousin brother as an employee, but has since quit. Subsequently, a Lease Deed dated 10.10.2018 (**Ex.PW-1/R**) was executed in favour of Smt. Neha Chawla, daughter-in-law of the landlady and Sh. Ashish Luthra, from where Smt. Neha Chawla is running the business under the name M/s. Stella Store situated at M3M Urbana, R4/ 012, Gurugram and Sh. Sunny Chawla was only assisting her. Since the landlady's son, Sh. Sunny Chawla, is/ was dependent on the landlady, there is/ was a *bona fide requirement* for the said shop(s). It was lastly submitted that the impugned judgement deals in detail with all the *additional accommodations* as to why they are not suitable for the said *bona fide requirement*.

12. This Court has heard the learned (senior) counsel for the parties as also perused the documents and pleadings on record and the case laws



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referred by them.

13. The primary thrust of the tenants is *qua* the issue of jurisdictional error committed by the learned ARC, as according to them, the subject premises did not fall within the notified area as per *Section 1(2)* of the DRC Act. However, in view of the MCD Notification dated 28.06.1966 and the Central Government Notification dated 27.03.1979, there can be no dispute that the subject premises is indeed falling under the Revenue Estate of 'Ghondli', and it has indeed been notified under *Section 1(2)* of the DRC Act. Therefore, the contention raised by the tenants *qua* jurisdiction, being of no significance, is rejected.

14. *Qua* the issue of *landlord tenant relationship*, since the same is not disputed by the tenants, this Court need not traverse into the said issue, as such, the findings *qua* the *landlord tenant relationship* as held by the learned ARC is affirmed.

15. With respect to *bona fide requirement*, since the tenants are only rearguing the same grounds as before the learned ARC, which, as per this Court, have been duly deliberated upon by the learned ARC and needs no interference by this Court. Regarding operation of M/s. Stella Store from Gurugram by Sh. Sunny Chawla, the son of the landlady, and the landlady getting rent @ Rs.2,00,000/- per month as also the differences *inter se* the landlady and her son, the learned ARC has held as under :-

“... Respondent has failed to prove this fact particularly in the face of the categorical statement of the petitioner/ PW-1 in her cross-examination that the said shop in the name of M/s. Stella is being operated by her daughter-in-law Ms. Neha Chawla and in support of this fact, she has proved Lease Deed Ex. PW-1/R2 which is again a Registered



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document and as per the said Lease Deed, the shop has been taken on rent by Ms. Neha Chawla along with Sh. Ashish Luthra. The photographs placed on record by the respondents as Ex. RW-1/1 also does not prove that the shop M/s. Stella is being run by Mr. Sunny Chawla... .. and petitioner's son is wholly dependent upon her to arrange for the space for his business and since petitioner owns a number of properties including the tenanted premises, she will naturally be inclined to provide to her son the space for his business from such properties. At the same time, she is also morally obligated to do so. ”

16. In light of the detailed analysis and the findings on the aforesaid aspect as captured above, there is hardly any scope of interference by this Court on the aspect of *bona fide requirement*.

17. Regarding the landlady receiving a significant rental amount, in the considered opinion of this Court, the same is of no value as the financial status/ capacity/ status of a landlord/ landlady, though may be of relevance, but is not a decisive factor to bar filing of the Eviction Petition. Reliance in this regard is placed upon *Arun Puri vs. Rajinder Kumar Aggarwal*¹³. In any event, as per *Prativa Devi vs. T.V. Krishnan*¹⁴ and *Sarla Ahuja vs. Union India Insurance Company Ltd.*¹⁵, it is also settled position of law that the landlord is the best judge of the requirement, and thus cannot be doubted by the tenant. The honest, trustworthy and responsible version of a landlord is enough for the Court to proceed with the presumption of him having a *bona fide requirement* of the subject premises. Moreover, in view of what has been held in *Akhileshwar*

¹³ 2024 SCC OnLine Del 4017

¹⁴ 1996) 5 SCC 35

¹⁵ (1998) 8 SCC 119



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Kumar vs. Mustaqim¹⁶, ***Anil Bajaj vs. Vinod Ahuja***¹⁷, ***Shiv Sarup Gupta vs. Dr. Mahesh Chand Gupta***¹⁸, ***Viran Wali vs. Kuldeep Rai Kochhar***¹⁹ and ***Kanhaiya Lal Arya vs. Md. Ehsan & Ors.***²⁰ the tenant cannot dictate how the landlord/ landlady chooses to utilize the subject premises, as such, the decisions fall solely within the landlord's prerogative. The mere existence of other *alternative accommodations* does not, by itself, disentitle the landlord/ landlady from seeking eviction. The assessment of suitability must take into account various factors, including the size, location, accessibility, intended use, viability, and safety of the property, all of which must be collectively considered whilst determining the availability of suitable *alternative accommodation*.

18. Regarding *alternative accommodation*, although there were other accommodations available, however, as per the landlady, they were not “suitable” for the *bona fide requirement* of the landlady as the prime reason for vacation of the subject premises was her intention to commence a business with her son, and for which she was in need of all the shop(s) and thus, she had to file various Eviction Petition(s) against different tenants in order to get all the shop(s) situated at A-4/27, Krishna Nagar, Delhi. This Court, in any event, is in consonance with the findings of the learned ARC, which whilst dealing with the aspect of *alternative accommodation* has held as under:-

¹⁶ (2003) 1 SCC 462

¹⁷ AIR 2014 SC 2294

¹⁸ (1999) 6 SCC 222

¹⁹ (2010) 174 DLT 328

²⁰ 2025 SCC OnLine SC 432



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“... .. The petitioner has satisfactorily explained as to how these other available properties are not suitable for the purpose of opening departmental store These properties are either residential properties or vacant land which cannot be used for the purpose of doing any business... ..In the said properties the properties bearing no. B-6/6, Krishna Nagar, Delhi is a residential property which cannot be used for commercial purpose, property bearing no. B- 5/9, Krishna Nagar, Delhi is under construction for raising four residential floors and as such the same cannot be put to any commercial use and the respondents have not brought on record any evidence to show that this property is constructed one and suitable for commercial activities. Property bearing no. C-1/1, Krishna Nagar, Delhi is a vacant plot which cannot be used to do any business even if the same is fit for commercial activities The two showrooms/units bearing no. S-61-D and S-61-G at V3S, East Centre, Lakshmi Nagar is already on lease with M/s Future Retail and is of no use to the petitioner for starting her business. Further, the petitioner has also not concealed the fact, as alleged by the respondents, that the property bearing no. A-4/27. Krishna Nagar, Delhi-51 is situated in a commercial area. The petitioner has even disclosed that she is in possession of two shops bearing no. 7 & 8 and one hall at the ground floor in the said property. Petitioner has clearly mentioned that she needs all the shops including shop no. 7 & 8, tenanted premises and shops in occupation of other tenants at the ground floor at the said property to renovate them and make necessary alterations in the said shops to join them together to make a single unit for a common purpose of opening a departmental/ general store it is alleged by the respondents that the petitioner is also having seven kila land in Village Palla, Delhi but this property is an agricultural land where



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no departmental store can be run. The petitioner, while deposing as PW-1 has explained all these facts in her cross-examination and she has also clarified that the backside hall situated in property A-4/27, Krishna Nagar is being used by her son-in-law as a godown for storing electronic goods. Thus, the respondents have failed to point out any alternative suitable accommodation which may be available to the petitioner for starting the departmental store.”

19. Barring the above, learned counsel for the tenants has not canvassed any other grounds before this Court.

20. Based on the aforesaid and relying upon ***Sarla Ahuja vs. Union India Insurance Company Ltd.***²¹ and ***Abid-Ul-Islam vs. Inder Sain Dua***²², it is no more *res-integra* that in a revision petition under Section 25B(8) of the DRC Act, setting aside the impugned judgment is only possible under exceptional circumstances, like when there exists an error apparent on the face of the record, or there is something glaringly amiss, or there is anything contrary to the position of law.

21. Considering the above, since this Court concurs with the findings rendered by the learned ARC in the impugned judgment, as also since the tenants have been unable to raise any grounds for interference by this Court, the impugned judgment dated 08.12.2023 passed by the learned ARC is upheld and the stay granted by this Court *vide* order dated 28.03.2025 stands vacated.

22. In view of the foregoing discussion and analysis, the present revision petition, along with the pending application(s), stands dismissed,

²¹ (1998) 8 SCC 119

²² (2022) 6 SCC 30



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leaving the parties to bear their own respective cost(s).

23. Accordingly, the tenants are liable to hand over vacant, peaceful and physical possession of *shop(s) nos.1 and 2 on ground floor of property bearing no.A-4/27, Krishna Nagar, Delhi-110 051* to the landlady as the benefit of *six months* period as per *Section 14(7)* of the DRC Act has already lapsed.

SAURABH BANERJEE, J.

NOVEMBER 3, 2025/bh