



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: December 23, 2025

+ RC.REV. 314/2019, CM APPL. 41749/2023, CM APPL. 46027/2025

VIJAY KUMAR JAIPURIA

.....Petitioner

Through: Mr. Manish Kumar, Ms. Aparajita Jha, Advocates.

Versus

M/S MOHAN LAL SATPAL & ANR.

.....Respondents

Through: Mr. Sunil Mittal, Sr. Advocate with Ms. Muskaan Deswal and Mr. Saurabh Kumar, Advocates with respondents in person.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

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

1. The petitioner/ landlord¹ instituted an eviction petition under *Section 14(1)(e)* read with *Section 25B* of the Delhi Rent Control Act, 1958² before the learned SCJ-cum-RC (Central), Tis Hazari Courts, Delhi³ seeking eviction of the respondents/ tenants⁴ from property bearing no.377, Ground Floor, Naya Katra, Chandni Chowk, Delhi-110 006⁵.
2. *Succinctly put*, the case of landlord before the learned RC was that the subject premises was let out to respondent no.1, a partnership concern

¹ Hereinafter referred to as '*landlord*'

² Hereinafter referred to as '*DRC Act*'

³ Hereinafter referred to as '*learned RC*'

⁴ Hereinafter referred to as '*tenant*'

⁵ Hereinafter referred to as '*subject premises*'



of which respondent no.2 was the partner, *vide* Rent Note dated 26.06.1971. The said subject premises was originally owned by the maternal grandfather of the landlord, late Shri Chiranji Lal Jaipuria, who adopted the landlord by way of Registered Adoption Deed dated 18.08.1968. Thereafter, upon the demise of late Shri Chiranji Lal Jaipuria, the subject premises along with other properties devolved upon the landlord, who thus became the owner thereof.

3. Since the family of the landlord comprised of himself, his wife, a son and two daughters, and as he had no source of income other than the meagre rent from various tenanted premises to sustain and meet his family obligation, the landlord had a *bona fide requirement* of the subject premises for starting a wholesale and retail cloth business along with his son. Moreover, for doing so, the landlord had no other suitable *alternate accommodation* and since the subject premises was situated on the ground floor, it was most suitable.

4. Since the application seeking leave to defend of the tenants was allowed *vide* order dated 09.12.2013, in their written statement, they *inter alia* disputed the intention of the landlord to start the cloth business as not *bona fide*; the landlord was engaged in finance and money lending business and had substantial income; the landlord had suppressed facts relating to other tenanted properties which were vacated and sold by him; and that the petition suffered from non-joinder of necessary parties.

5. The learned RC, after considering the material on record and hearing the parties, *vide* judgment dated 18.04.2019⁶, dismissed the

⁶ Hereinafter referred to as '*impugned judgment*'



landlord's eviction petition primarily based on the factors such as sales of other properties made by the landlord prior to the filing of the Eviction Petition, landlord having no knowledge/ experience of business of clothes as also that the existing rental income were insufficient for sustaining his family.

6. Aggrieved thereby, the present revision petition has been filed by the landlord seeking setting aside of the impugned judgment dated 18.04.2019 passed by the learned RC.

7. Amongst the various grounds raised by the landlord in the present petition, Ms. Aparajita Jha, learned counsel for the landlord, submits that the learned RC while examining the issue of *bona fide requirement* completely disregarded the settled legal position that past sale of the properties by a landlord does not defeat his present *bona fide requirement*. In fact, the learned RC has wrongly drawn an adverse inference therefrom, more so, since the sales were prior to the filing of the Eviction Petition and for legitimate family needs, including the marriage of the elder daughter and educational and household expenses. The learned counsel further submits that while dealing with aforesaid aspect, the learned RC has wrongly taken into consideration landlord's prior experience in business and financial capacity, which were totally irrelevant.

8. *Per contra*, Mr. Sunil Mittal, learned senior counsel for the tenants supporting the impugned judgment simply submits that the landlord had failed to establish any *bona fide requirement* of the subject premises before the learned RC as to why the earlier vacated properties were not utilised for his requirement. The learned senior counsel then submits that the landlord was also unable to prove any knowledge/ experience in the



cloth business. Thus, as per the learned senior counsel, the requirement of the landlord was a mere desire and not a genuine need.

9. Mr. Mittal, learned senior counsel then submits that subsequent to the death of the landlord Vijay Kumar Jaipuria, the alleged requirement for which the Eviction Petition was filed had already been extinguished and as such the present revision petition is only an attempt by the legal heirs, particularly the daughter of the landlord namely Mrs. Suneha Gupta, to project a fresh requirement which was never pleaded in the original eviction petition and which cannot be allowed.

10. In rejoinder, Ms. Jha, learned counsel for the landlord submits that the Eviction Petition had always been filed for the *bona fide requirement* of the petitioner's family, which included his daughter, and thus, the requirement of a dependent family member does not amount to setting up a new case.

11. Heard learned counsel for the parties, as also gone through the documents and pleadings on record.

12. At the outset, considering there is no challenge by the tenants to the findings of the learned RC that there exists a *landlord tenant relationship* between the parties as also that the landlord does not possess any other *alternate suitable accommodation*, the said aspects are deemed to be admitted and are established in favour of the landlord. Thus, the only issue requiring consideration by this Court is regarding the *bona fide requirement* of the landlord, especially his daughter/ family, after the demise of the landlord.

13. A bare reading of the impugned judgment reveals that while adjudicating upon the issue of *bona fide requirement*, the learned RC had



ventured into consideration of landlord selling certain properties in past, particularly those undertaken much before the filing of the Eviction Petition. The same, in view of the repeated pronouncements by the Hon'ble Supreme Court as well as this Court, are neither decisive/ determinative of the landlord's present need. They cannot, thus, render the pleaded requirement dishonest or *mala fide*. In any event, the learned RC was only to assess/ test/ examine the *bona fide requirement* with reference to the circumstances prevailing on the date of filing of the eviction petition and not otherwise. Reliance in this regard is placed upon ***Ramjidas & Ors. v. Rambabu & Ors.***⁷ and ***Dinesh Kumar v. Yusuf Ali***⁸. All the more, since the landlord had adequately explained the reasons for selling of such properties being for meeting the filial needs and since there was nothing contrary thereto, there was no reason for the learned RC to doubt the same and/ or seek for further evidence thereon for determining the *bona fide requirement* of the landlord in an Eviction Petition under *Section 14(1)(e)* of the DRC Act.

14. This Court finds that the learned RC has further transversed into considering factors such as the lack of business experience/ knowledge, financial capacity of the landlord, manner in which the landlord was/ is managing his household affairs, etc., without specifying any reason(s) calling for the same, more so, since they were/ are totally extraneous to any Eviction Petition under *Section 14(1)(e)* of the DRC Act. The improper inclusion of these factors is very vital for deciding the present revision petition. Moreover, while the learned RC ventured into totally

⁷ (2000) 9 SCC 329

⁸ (2010) 12 SCC 740



extraneous factors, he while doing so, failed to appreciate the fact that barring meagre rental income, the landlord had no source of income to sustain his family and thus, *bona fide* required the subject premises for commencing a cloth business, much less, whence the tenants never placed any credible material on record to the contrary.

15. *Lastly*, merely because the landlord expired during the pendency of the Eviction Petition, it did not result in the extinguishing of the right of the landlord, particularly, since a perusal of the case set up by him in the Eviction Petition reveals that he had specifically pleaded that he “...*needs to generate fresh financial resources so as to meet the requirements of ever increasing cost of living of himself and his family members... ..*”. Therefore, the Eviction Petition was always filed to meet the needs of the landlord as well as his family, which *admittedly* included his daughter Mrs. Suneha Gupta. Moreover, as held by the Hon’ble Supreme Court in ***Joginder Pal vs. Naval Kishore Behal***⁹, that the requirement of the landlord for his own use has to be construed liberally and accorded a wide/ expansive meaning so as to include the requirement of his next of kith and kin, more particularly his legal heirs.

16. Therefore, in view of the aforesaid, now there can be no qualm that the requirement for the subject premises still survives qua his “*family members*”, which includes his son, and his daughter as well, who has since filed an application, after the demise of the landlord, giving her need for setting up a clothes business. The same is nothing but mere extension/ elaboration/ continuation of what was asserted by the landlord. Even

⁹ (2002) 5 SCC 397



otherwise, in today's fast moving changing times mere change, if any, of the vocation/ requirement of the subject premises by the landlord cannot be a reason for denying eviction to the landlord, especially, one who expired during the pendency of the Eviction Petition. Mere death of a landlord during the pendency of the Eviction petition does not automatically lead to extinguishing of his rights. It all depends upon the facts and circumstances involved. Here, the situation was not one which resulted in automatic extinguishing. However, there is no such requirement of conformingly stating the vocation/ requirement of the subject premises by the landlord in any Eviction Petition under *Section 14(1)(e)* of the Act. The requirement professed therein has to be given a purposeful meaning rather than being restrictive one.

17. *Ergo*, in view of the aforesaid analysis, this Court is of the opinion that there are manifest errors in the impugned judgment dated 18.04.2019 passed by the learned RC, particularly, since the learned RC has passed the same based on the considerations which were wholly irrelevant to the *lis* before him. Consequently, the impugned judgment suffers from patent infirmity and perversity which warrants interference of this Court in exercise of its revisional jurisdiction.

18. As such, the present revision petition is allowed and the impugned judgment dated 18.04.2019 passed by the learned RC is hereby set aside.

19. Accordingly, an eviction order is passed in favour of the landlord in respect of the subject premises being property bearing no.377, Ground Floor, Naya Katra, Chandni Chowk, Delhi-110 006. However, in view of *Section 14 (7)* of the DRC Act, the order for recovery of possession of the subject premises shall not be executed before expiry of *six months* ' period



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from today.

20. The present revision petition along with the pending applications is disposed of in terms of the above with no order as to costs.

DECEMBER 23, 2025/So/GA

SAURABH BANERJEE, J.