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

+ **RC.REV. 177/2023, CM APPL. 34254/2023-Stay**

SH NARENDRA GUPTA (HUF)

.....Petitioner

Through: Mr. Sonal Anand, Mr. Aayush Sai
and Mr. Karan Singh, Advocates
(through VC).

versus

SH SURENDER KUMAR GUPTA

.....Respondent

Through: Ms. Shalini Kapoor and Ms.
Divyanshi Saxena, Advocates
(through VC)

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

26.11.2025

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1. Since 25.11.2025, was declared a holiday on account of '*Guru Teg Bahadur's Martyrdom Day*', the present matter is being taken up for hearing today.
2. Learned counsel for the parties submit that despite efforts, the parties have not been able to reach any conclusion *qua* the time period required for the tenant to vacate the subject premises and/ or *qua* the user and occupation charges for the said period.
3. *Vide* order dated 21.11.2025, this Court has already elaborately dealt with the factual matrix involved herein, as also the legal position *qua* that, including all the propositions set forth by the learned counsel for the parties *qua* them.



4. For ease of convenience, the relevant extract of the said order is reproduced as under:-

“... 10. At the outset, it is noted that since, admittedly, there is no dispute about the landlord-tenant relationship inter se the parties, the same is established in the favour of landlord.

11. Qua the aspect of bona fide requirement, the landlord in his Eviction Petition given an elaborate description of the reasons why he was need of the subject premises as under:-

“.... The entire area occupied by the tenanted shop and two other adjoining shops is about 43 sq. yards (approx 400 sq.ft) which though is not enough but it will give a quick start to set up a lawyer office which can accommodate easily one personal Cabin cum consultation room, one conference cum VC room, workstations for his associates, record room/ library, waiting area for clients, a small pantry and personal washroom. A proposed site plan for the law office of Navin Gupta is enclosed hereto and marked as (Annexure P-9) which is shown in Green Colour in the proposed site plan attached. It is also worth mentioning that the proposed law office of Sh. Nagin Gupta is also quite near to his residence therefore is best suited and he can afford to work even in late hours and it would also save commutation time. Further for taking a law office elsewhere, Sh. Navin Gupta Advocate will have to spend at least Rs. 1- 2 crores of rupees to purchase or to pay at least Rs. 1,00,000/- (Rupees One lakh) per month as rent if the same is taken on rent elsewhere. Apart from above the tenanted premises is having sufficient parking area which is convenient to the clients to park their vehicles near and in front of the proposed office. Since the petitioner is living and doing his business in the vicinity of Bazar Sita Ram, Delhi-6 for more than last 60 years and as such he and his son are well known in the said vicinity and have deep roots in the society. Also most of the



clients of Sh. Navin Gupta are from adjoining area of Old Delhi like Sita Ram Bazar i.e Chawri Bazar, Lal Kuan, Ajmeri Gate, Jama Magid, Hauz Qazi Area those who are having biggest whole sale and retail markets of Asia and the areas are also occupied thickly for residential purposes also.”

[Emphasis Supplied]

12. The fact that the landlord has consistently maintained his stand since the filing of the Eviction Petition before the learned ARC to the effect that he required the subject premises to set up a proper office for his practicing Advocate son, was a relevant factor for consideration by the learned ARC to proceed with the presumption that the requirement of the landlord was genuine, honest, and sincere.

13. Even otherwise, the subject premises, being situated in a major commercial hub of Delhi i.e., at Chandani Chowk has a distinct locational and economic advantage, and it is very natural for any practicing Advocate, like the landlord's son, to aspire to set up and operate his office from such a strategically advantageous location. Under such circumstances, the landlord's son cannot be denied the benefit of using such a well-situated premises, merely because he is presently operating his office from his father's residence, which, in any case, can never be regarded as a suitable arrangement for his office in view of the overall inconvenience caused to one and all, including but not limited to the Advocate, his family members, his staff, and his clients.

14. Moreover, as held in Anil Bajaj & Anr. v. Vinod Ahuja and Akhileshwar Kumar v. Mustaqim , it is a settled proposition of law that the choice of the location, area, type/ nature of business, anticipated profits, space required for operations, funds available, status of the landlord and other like factors are within the domain of the landlord for choosing an accommodation reasonably satisfying his needs and a landlord cannot be thrust with the opinion of the



tenant or of the Court.

15. *In view thereof, the learned ARC clearly erred in raising a triable issue regarding the suitability of the residential premise i.e., 1/5 B Asaf Ali Road for the landlord's son to set up his office.*

16. *Qua the aspect of concealment, as held in by this Court in Shakuntala Devi v. Mohan Das [RC. Rev. 197/2017] notably, a landlord instituting an Eviction Petition under Section 14(1)(e) of the DRC Act is not required to furnish detail of each and every property owned by his family members and mere omission/ non-disclosure of any such property does not ipso facto render the requirement of the landlord as dishonest, unless the tenant produces some material of sufficient concern/ weightage to show that such alleged undisclosed alternative accommodations were actually comparable to the subject premises in terms of location, accessibility, utility and other relevant parameters.*

17. *In the present case, the landlord in his Eviction Petition has elaborately pleaded about all the alternative accommodations available with him. The fact that the landlord approached with all the aforesaid details alongwith the reasons as to why he requires the subject premises, before the learned ARC, itself evidences that he was indeed in a bona fide requirement for the subject premises. The landlord by way of the Eviction Petition was merely discharging his duties as a father for settling his son in this fast pacy world. His non-disclosure of a property belonging to his son could not have been an obstacle for the learned ARC for adjudicating the Eviction Petition filed by the landlord qua the subject premises, particularly when it was an admitted fact that the same did not belong to the landlord himself. None of the above were/ are sufficient for concluding that the tenant was able to raise a triable issue, more so whence the tenant has not brought any material of sufficient weightage to show that the alleged omission was material.*

18. *Similarly, regarding property no. 3401, Angoori Gatta,*



Delhi, which belonged to the landlord's wife, there was no basis for the learned ARC to raise a triable issue on the aspect whether the same was in dilapidated condition or not, especially whence it was not belonging to the landlord himself, and there were no assertion/ pleading to show how the same was a replacement for the subject premises for which eviction was sought. Moreover, since it is not in dispute that the same has already been sold, it can no more act as an alternative accommodation available to the landlord.

19. In view of the aforesaid, since there is a manifest error in the impugned order dated 04.05.2023 passed by the learned ARC, particularly as it is clear on the basis of material on record that the tenant was unable to raise any triable issue before the learned ARC thereby warranting grant of leave to defend, and relying upon Hindustan Petroleum Corporation Limited v. Dilbahar Singh , the present matter is a fit case for this Court to exercise its jurisdiction under Section 25B(8) of the DRC Act.

20. In view thereof, the impugned order is set aside. Resultantly, the application seeking leave to defend of the tenant is dismissed. As such, the tenant is liable to hand over the vacant, peaceful and physical possession of the subject premises to the landlord.”

5. Today, learned counsel for the parties have submitted that they, despite best efforts, have been unable to reach any amicable resolution qua the fixing of time for vacation of the subject premises by the tenant or the user and occupation charges qua that. Moreover, they do not wish to make any more submissions as nothing further is left to be argued. In effect, it is the case of learned counsel for the parties that this Court can proceed with the adjudication of the present revision petition on merits.

6. Since there is nothing new for adjudication by this Court, in view of the assertions made by learned counsel for the parties and the findings



rendered therein by this Court vide order dated 21.11.2025, as also in view of what has been held by the Hon'ble Supreme Court in *Sarla Ahuja vs. Union India Insurance Company Ltd.*, (1998) 8 SCC 119 and *Abid-Ul-Islam vs. Inder Sain Dua*, (2022) 6 SCC 30, the present matter is a fit case for this Court to exercise its jurisdiction under *Section 25B(8)* of the DRC Act.

7. Accordingly, the present revision petition is allowed and the impugned order dated 04.05.2023 is set aside.

8. Considering the aforesaid, the tenant is extended the benefit of *six months* in terms of *Section 14 (7)* of the Delhi Rent Control Act, 1958 from the date of the present order passed by this Court.

SAURABH BANERJEE, J

NOVEMBER 26, 2025/NA