



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of decision: November 20, 2025*

+ RC.REV. 218/2023, CM APPL. 44255/2023, CM APPL. 47982/2024, CM APPL. 56804/2024, CM APPL. 74613/2024, CM APPL. 7019/2025, CM APPL. 66423/2025

M/S. JAGAT SINGH GURCHARAN SINGH(GURCHARAN SINGH DECEASED) THROUGH PARTNER SMT. SURINDER KAUR **.....Petitioner**

Through: Mr. Amit Saxena, Mr. Ritesh Tanwar and Ms. Alkesh, Advs.

versus

SAURABH ARORA AND ORS **.....Respondents**

Through: Ms.Niharika Ahluwalia and Ms. Sonoakshi Chaturvedi, Advs. for R1.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

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

1. The respondent no.1/ landlord¹ filed an Eviction Petition under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958² before the learned Administrative Civil Judge-cum-Additional Rent Controller (Central), Delhi³ seeking eviction of the petitioner/ tenant⁴ from Shop No. 513, Ground Floor, Main Sadar Bazar, Delhi-110 006⁵.

2. *Succinctly put*, it was the case of the landlord before learned ARC that being one of the co-owners of the tenanted shop, he was in *bona fide requirement* thereof, particularly since he had left his earlier private job in

¹ Hereinafter referred to as '*landlady*'

² Hereinafter referred to as '*DRC Act*'

³ Hereinafter referred to as '*learned ARC*'

⁴ Hereinafter referred to as '*tenant*'



the year 2017 owing to his mother's serious illness. In fact, after her unfortunate demise in the year 2019, he was unable to secure a job for himself and therefore, he intended to start a business of food items, tea, coffee, snacks etc., and did not have any other suitable *alternative accommodation* for the said purpose.

3. Upon service of summons, the tenant filed an application seeking leave to defend under *Sections 25B(4) and (5)* of the DRC Act, *inter alia*, denying the ownership of the landlord since the subject premises belongs to the Custodian of Enemy Property for India; that there has been no partition between the co-owners; that the landlord was already gainfully employed; that one shop bearing no. 511, Sadar Bazar, Delhi was lying vacant after the death of Sh. Om Prakash Arora; that the Eviction Petition was filed only with the motive of enhancing rent.

4. The learned ARC, after considering the material on record and hearing the parties, vide order dated 04.02.2023⁶, dismissed the application seeking leave to defend of the tenant and consequently passed an eviction order in favour of the landlord.

5. Aggrieved thereby, the tenant has preferred the present revision petition.

6. Of the many grounds raised by the tenant, learned counsel for the tenant, relying upon CM Appl. 56804/2024 and CM Appl. 66423/2025 which are two applications filed by the tenant seeking to bring on record certain additional documents in form of landlord's CV/ Bio Data and GST returns, confines his submissions to the factum of there being no *bona fide*

⁵ Hereinafter referred to as '*subject premises*'

⁶ Hereinafter referred to as '*impugned order*'



requirement of the subject premises by the landlord since the landlord has failed to disclose in his Eviction Petition that he holds a diploma in Mechanical Engineering, and that he was doing a lucrative business at the time of filing of the said Eviction Petition.

7. Apart from the aforesaid, learned counsel for the tenant does not wish to canvas any other arguments either on the aspect of *landlord-tenant relationship* between the parties or the *(non-)availability of alternative accommodation* by the landlord.

8. Therefore, the findings arrived by the learned ARC qua them are deemed admitted and need not to be adverted thereto by this Court.

9. *Per contra*, learned counsel for the landlord supporting the impugned order passed by the learned ARC, particularly, wherein the aspect of *bona fide requirement* by the landlord has been held to be established, submits that the same being in accordance with law calls for no interference by this Court.

10. This Court has heard learned counsel for the parties, as also have gone through the pleadings and documents therewith on record.

11. In view of ***Baldev Singh Bajwa v. Monish Saini***⁷, ***Sarla Ahuja v. United India Insurance Co. Ltd.***⁸, it is well settled that once the landlord asserts the *bona fide requirement* of the subject premises for a particular purpose, the Court is obliged to proceed with the presumption that such requirement is genuine, honest and sincere. This principle, however, is subject to a caveat that if the tenant, in his leave to defend application, is able to make such meaningful assertions as also substantiate them with

⁷ MANU/SC/1239/2005

⁸ (1998) 8 SCC 119



material of sufficient weightage so as to raise a semblance of a *triable issue*, leave to defend must necessarily follow. Keeping this in mind, this Court will now proceed to adjudicate on the merit of the present petition.

12. The facts of the present proceedings disclose that on the one hand the landlord had disclosed the reason for his *bona fide requirement* of the subject premises, however, on the other hand, the tenant in his application seeking leave to defend, apart from raising some bare/ bald assertions, failed to bring anything on record that was in the realm of his having raised a *triable issue* for allowing the same and proceed any further.

13. *Interestingly*, before this Court, relying upon certain additional documents in form of landlord's CV/ Bio Data and GST returns for the assessment year 2018-19 to 2024-25, the tenant has tried to bolster his case by contending that he holds a diploma in Mechanical Engineering and that he was doing lucrative business at the time of filing of the Eviction Petition. Alas, the same are of no assistance to the tenant since they were not filed before the learned ARC even though they were in his power and possession before also, as also an educational qualification of a landlord is not something which is a criterion for consideration in an Eviction Petition under *Section 14(1)(e)* of the DRC Act. As such, merely because the landlord was holding a degree did not preclude him for filing the Eviction Petition seeking eviction of the tenant from the subject premises. This Court finds no reason to allow the two applications, CM Appl. 56804/2024 and CM Appl. 66423/2025, at this belated stage. More so, since they have no relevance to the present proceedings. Introducing new, and irrelevant facts, having no bearing to the factual matrix involved by a party, much less, a tenant in a revisional jurisdiction has to be tested



on its own anvil. In any event, the explanation given by the tenant therein for introducing the said fresh documents are insufficient.

14. This Court also finds merit in the findings rendered in the impugned order on the aspect of *bona fide requirement*, wherein the learned ARC, after considering all the contentions raised by the tenant held as under:-

“24. The averment of the respondents in the leave to defend is that the petitioner(landlord) is well educated and is employed having sufficient salary. The petitioner has not given the name of the company where he was previously working and not even stated as to what was his job and salary in the previous job. To the knowledge of the respondent, the petitioner is still working and earning handsomely and not unemployed. So far as the younger brother of the petitioner is concerned, he is already employed in Sale & Purchase of used car company and earning handsome salary with commission.

25. However, in the petition itself it has been stated that the petitioner was earlier doing a private job, but when his mother was seriously ill he was compelled by circumstances to leave his job in the year 2017 to serve his mother, but unfortunately, his mother also died on 02.02.2019. Thereafter, the petitioner tried his level best to search for a suitable job but could not succeed and is currently unemployed, being more than 33 years of age. He is only 12th class pass. Though specific averment has been raised by the respondent that petitioner is currently employed and earning handsomely, however nothing has been stated as to the name of employer or even nature of employment of petitioner and hence same has remained a bald and vague averment, devoid of merit.

26. Even if for the sake of argument, it is considered that petitioner is working in private job, it is settled law that there is no requirement that landlord should leave his job and come to starvation, prior to claiming possession U/s 14(1)(e) of the Act. Even if the petitioner is working in Private job, he can still seek eviction U/s 14(1)(e) to start his own business, as there is no security in Private Jobs. In **Raghunath G. Panhale (Dead) by LRs. Vs. Chaganlal Sundarji and Co.** AIR 1999 SC 3864, it was observed by Hon'ble Supreme Court that :-

“It is un-imaginable that a landlord who is in service should first resign from his job and wait for the unknown and uncertain result of a long drawn litigation. If he resigned from his job, he might indeed end-up in utter poverty. Joblessness is not a condition precedent for seeking get back one's premises. For



that matter, assuming the landlord was in a job and had not resigned from it or assuming that pending long drawn litigation, he started some other temporary water business to sustain himself that would not be an indication that the need for establishing a grocery shop was not a bonafide or a reasonable requirement or that it was motivated or was mere design to evict the tenant.”

27. Furthermore, even if it is considered that younger brother of petitioner is employed in Sale & Purchase of used car company, it is trite law that a person is not required to be hand to mouth for purpose of seeking eviction on the basis of bonafide requirement. Reliance in this regard can be placed upon the decision of Hon'ble High Court of Delhi in the case of **Rishal Singh Vs. Bohat Ram & Ors.** 2014 (144) DRJ 633, wherein, it was held that income of the person, be it landlord or a dependent of the landlord, is inconsequential to the outcome of the eviction petition. It was held that comfortable earnings of financial well being of the petitioner or his dependent cannot be a ground for denying the eviction order sought in a petition founded on bonafide need.

28. Reliance in this regard can also be placed upon decision of Hon'ble High Court of Delhi in the case of **Naresh Khanna Vs. Saroj Gupta** RC Rev. 281/2017 dated 28.08.2017, wherein it was held as follows :-

*“11. Merely because the landlady is well to do or her husband is a practitioner of law, does not prevent him/her from invoking Section 14(l)(e) of the Act and vague arguments, without any specifics, cannot be considered. Supreme Court in Bhimanagouda Basanagouda Patil Vs. Mohammad Gudusaheb (2003) 3 SCC 101 held that the fact that a person has a capacity to purchase the property cannot be the sole ground to hold against him, if has a genuine need for the premises purchased. This Court also, in **Ramesh Kumar Vs. Neelam Dawar** MANU/DE/175/2014, (SLP (C) NO. 23911/2014 preferred where against was dismissed on 3rd September; 2014) held that although the landlord may be financially well off but in the absence of suitable accommodation for his need, his financial well being cannot deny him the eviction order.”*

29. It is also averred in the leave to defend that the petitioner is, in fact, married having a wife, two daughters and a son. In reply to the leave to defend, said averment has been denied. Suffice is to say that this has also remained a bald and vague averment not supported by any details or material thereof and accordingly devoid of merit.

30. Furthermore, it is settled law that the petitioner cannot be dictated



*terms by the respondent when it comes to the bonafide necessity. Landlord is the best judge of its requirement. The same ratio has been upheld by Hon'ble Supreme Court in **Prativa Devi Vs. T.V. Krishnan**, (supra)."*

15. *Ergo*, in view of the aforesaid, this Court finds no reason for interfering with the impugned order, particularly in a revision petition under *Section 25B(8)* of the DRC Act, wherein the scope of interference is itself very limited.

16. Accordingly, the present revision petition along with pending application(s), is hereby dismissed.

17. Resultantly, the interim protection granted vide order dated 04.09.2023 is also vacated.

18. At this stage, learned counsel for the tenant submits that an application has been moved for waiver of costs imposed *vide* order dated 13.10.2025, however, since he had already paid the costs today, the same has become infructuous.

19. Since the statutory period of six months as envisaged under *Section 14(7) of the DRC Act* is already over, the tenant is directed to handover the peaceful, vacant and physical possession of the subject premises being Shop No. 513, Ground Floor, Main Sadar Bazar, Delhi-110 006 to the landlord in compliance with the impugned order dated 04.02.2023. However, the tenant shall continue to pay the user and occupation charges, along with arrears, if any, till then.

20. Parties to bear their respective costs.

SAURABH BANERJEE, J

NOVEMBER 20, 2025/bh