



2025:DHC:11127



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

% **Date of decision: December 09, 2025**

+ **RC.REV. 161/2025, CM APPL. 30816/2025**

VINOD SAXENA & ANR.

.....Petitioners

Through: Mr. Munish Chhoker, Advocate

Versus

ANJANA

.....Respondent

Through: Mr. Akhil Verma, Advocate
Mobile-9999086312

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (ORAL)

1. By virtue of the present petition filed under *Section 25-B(8)* of the Delhi Rent Control Act 1958 (***DRC Act***), the petitioners (***tenants***) seek setting aside of the order dated 27.01.2025 (***impugned order***) passed by the learned ACJ/CCJ/ARC, District Shahdara, Karkardooma Courts, Delhi (***learned ARC***) in case being RC ARC No.292/2018 filed by the respondent (***landlady***) under *Section 14(1)(e)* of the DRC Act for eviction of the tenant from the third floor in property bearing No. 26/107, Gali No.10, Vishwas Nagar, Shahdara, Delhi-110 032 (***subject premises***), whereby the learned ARC has dismissed the leave to defend application of the tenants and directed them to vacate the subject premises.

2. Though the tenants have raised various grounds in the present petition, however, Mr. Munish Chhoker, learned counsel for the tenants at the outset *admits* that since the existence of *landlord-tenant relationship* between the parties is not in dispute, he does not wish to argue on the

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same.

3. However, regarding the *alternative accommodations* available with the landlady, Mr. Munish Chhoker, learned counsel submits that before the learned ARC the tenants were able to show that the landlady had as many as *four alternative accommodations available* with her, and after selling one of them, she was left with *three alternative accommodations*, namely, House No.92, Gali No. 10, Vishwas Nagar, Shahdara, Delhi; House No.26/100, Gali No. 10, Vishwas Nagar, Shahdara, Delhi, and House No.32/78, Gali No.10, Bhikam Singh Colony, Vishwas Nagar, Shahdara. Despite thereto, the learned counsel submits that the learned ARC has wrongly held that the aforesaid *three accommodations* were not sufficient to satisfy the *bona fide requirement* of the landlady on the grounds that she was the best judge to determine the suitability of the accommodation as per her own convenience.

4. Lastly, regarding the *bona fide requirement* professed by the landlady, Mr. Munish Chhoker, learned counsel submits that considering the nature, type and dimensions of the subject premises, the same was not feasible for the landlady to need it for extinguishing her *bona fide requirement*.

5. *Per contra*, Mr. Akhil Verma, learned counsel for the landlady, in support of the findings rendered by the learned ARC in the impugned order dated 27.01.2025 submits that all the issue of there being a *bona fide requirement* of the subject premises by the landlady, as also, there being no other suitable *alternate accommodation* available with the landlady have been comprehensively addressed in the well-reasoned impugned order passed by the learned ARC, which also squarely considers and



adjudicates upon the submissions advanced by learned counsel for the tenants herein before this Court today.

6. In light of the above, Mr. Akhil Verma, learned counsel submits that there is actually no scope of interference by this Court, particularly, whilst exercising powers under the revisional jurisdiction, as also, it is a settled principle of law that it does not extend to substitution of findings unless 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.

7. Learned counsel for the parties have concluded their submissions.

8. This Court has heard the submissions addressed by the learned counsel for the parties as also gone through the documents and pleadings on record.

9. The position regarding *alternative accommodation*, as per the settled law, is clearly within the supreme domain of the landlord/ landlady. As such and as held in *Akhileshwar Kumar vs. Mustaqim*; (2003) 1 SCC 462, *Anil Bajaj vs. Vinod Ahuja*; AIR 2014 SC 2294; and *Kanhaiya Lal Arya vs. Md. Ehsan & Ors.*; 2025 SCC OnLine SC 432, it was/ is for the landlady to have exercised that option after taking into consideration her own needs, necessities, conditions or like to choose the subject premises, as they depended upon her convenience, reasonableness and suitability for her overall use to her satisfaction. Thus, the tenants, being unconnected with the landlady was nobody to question and/ or suggest her, more so, he had/ has no right, title and/ or interest thereon.

10. Moreover, this Court finds that the learned ARC has very meticulously dealt with all the three premises sought to be projected as



alternative accommodations by the tenants as under:-

“17. The contentions as raised by the respondent qua the current residence of the petitioner is on the aspect of ownership and special sufficiency as it is claimed by the respondent that the current residence of the petitioner and her family i.e. H. No.92, Gali No. 10, Vishwas Nagar, Shahdara, Delhi comprises of two floors, in addition to ground floor, and each floor contains three big rooms, dining room, two toilets, bathrooms and one kitchen that means the building has six rooms and comfortable living space. However, on perusal of the title documents of the aforesaid property dated 29.07.1985, it is found that the property in its entirety only contains three rooms, therefore, the averments of the petitioner that the property in its entirety has only three rooms is found to be correct. Furthermore, petitioner has already shown by way of general power of attorney, agreement deed, receipt dated 29.07.1985 that the property is owned by Smt. Treza Arthur. Therefore, the contention of the respondent regarding the sufficiency of space and ownership of the petitioner over her residence is found to be meritless, in light of the fact that the Respondents have not produced any to discredit the aforesaid title documents. Therefore, now it has become a clear position that the current residence of the petitioner and her family is insufficient for her daily needs specifically due to the fact that she had two grown children who would invariably require independent space of their own.

18. Further, the contention of the respondents qua property bearing H. No. 26/100, Gali No. 10, Vishwas Nagar, Shahdara which measures 150 sq. yards and 32/78, Gali No. 10, Bhikam Singh Golony, Vishwas Nagar, Shahdara measuring about 45 sq. yards (property bearing No. 32/81) have also been refuted by the petitioner by production of title documents dated 29.12.2017 and 03.01.2018 which goes on to show that neither of the abovesaid properties are owned by the petitioner. The respondents have only taken a feeble plea that the aforesaid



properties have been transferred by the mother in law/ Treza Arthur and father in law / Arthur in favour of the petitioner and her husband, however, said assertions are unsupported in light of the aforesaid title documents.”

11. Not only that, in addition to the aforesaid, the learned ARC has also gone to the extent of dealing with the property wherein the subject premises is situated by holding as under:-

“19. Further, the objection of the respondents qua the ground, first and second floor of the property bearing No. 26/ 107, Gali No.10, Vishwas Nagar, Shahdara are also found meritless on the grounds that admittedly the first floor of the property is being utilized for commercial purposes i.e. formerly a factory and now a business of threads and sewing is being run. Furthermore, the petitioner herself has categorically stated in her petition that the floors from ground to second are rented out and that the said rental income is her only source of livelihood. In such a situation, it was incumbent on the respondents to at least make a submission qua sufficiency of livelihood of the petitioner from any other source, however, the leave to defend and subsequent rejoinder are silent on that aspect.”

12. Lastly, this Court finds that the learned ARC has followed the aforesaid findings with categoric observations, referring to the extent of “judicial notice” and gone onto hold on as under:-

“20. Furthermore, the court can also take judicial notice of the fact that the top floor of any building would be far more ventilated and open as compared to the lower floors and therefore on this ground as well, the third floor of the building would be a more suitable and well-fitted for the needs of the petitioner and her family wherein she has vehemently pressed that an open space is required for the needs of her children. In such a situation, the petitioner / landlord cannot be compelled to erect a suitable structure with open space at any other rented out floor, in the



presence of a fit space for her needs, on merely being asked by the respondents.”

13. Considering that the learned counsel for the tenants has sought to, once again, agitate the very same arguments which have been duly negated by the learned ARC by way of the well reasoned impugned order, as held in ***Sarla Ahuja vs. United India Insurance Co. Ltd.; (1998) 8 SCC 119, Abid-Ul-Islam vs. Inder Sain Dua; (2022) 6 SCC 30***, there is no requirement for any kind of interference by this Court in the impugned order, as such, finding no merit in the present revision petition, the same is dismissed and the impugned order dated 27.01.2025 passed by the learned ARC is upheld.

14. Accordingly, the present petition alongwith the pending application is dismissed.

15. Consequently, the tenants are liable to vacate and handover peaceful and physical possession of the subject premises to the landlady, in compliance of the impugned order dated 27.01.2025 after the expiry of the *six months* period in term of *Section 14 (7)* of the DRC Act.

SAURABH BANERJEE, J

DECEMBER 9, 2025/So