



2025:DHC:10802



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: November 10, 2025

Pronounced on: December 04, 2025

+ RC.REV. 168/2021

DEVINDER KUMAR CHOUDHRY

.....Petitioner

Through: Mr. Sunil Dalal, Sr. Advocate with
Mr. Rajiv Singh, Mr. Ankit Rana,
Ms. Shipra Bali and Mr. Sarthak
Malhotra, Advocates.

Versus

RAMBIR SINGH (THROUGH LRS)

.....Respondent

Through: Mr. S.C. Singhal, Advocate
(Through VC)

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. The petitioner/ landlord¹ filed Eviction Petition RC ARC No.39/2020 against the respondent/ tenant² *qua* the premise bearing No.31/7, Ground Floor, Ramesh Nagar, New Delhi-110 015³ under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958⁴, on the ground that he required the same to fulfil the *bona fide requirement* of his family, as well as himself, as his son is a disk jockey with sound proofing needs, his daughter is a qualified dietician, and his another son is pursuing studies in the United States of America and would return thereafter, and he himself is a lawyer, who needs an office close to his residential quarters, especially due to his back pain,

¹ Hereinafter '*landlord*'

² Hereinafter '*tenant*'

³ Hereinafter '*subject premises*'

⁴ Hereinafter '*the Act*'



which are located in the very same building as the subject premises. It was also the case of the landlord that he did not have any other *alternative accommodation* available to fulfil his needs apart from the subject premises, which, as per him, was not being utilised even by the tenant, but had been lying locked for the past *ten years*.

2. Upon being served, the tenant filed an application seeking leave to defend under *Section 25B* of the Act with supporting affidavit, asserting that the Eviction Petition had been filed *mala fide* by the landlord on false and frivolous grounds, and that too, immediately after the tenant's appeal in another Eviction Petition being RCT No.31/2016 which was allowed by the learned District and Sessions Judge, West District, Tis Hazari Courts, Delhi *vide* order dated 14.10.2020 and the order of eviction therein had been set aside. It was also the case of the tenant that the alleged need expressed by the landlord was vague in nature, particularly, since even though he mentioned the qualifications of his son, daughter, as well as himself, he failed to disclose his specific requirement *qua* the subject premise.

3. As per tenant, the landlord had not disclosed numerous alternative accommodations, as the premises bearing nos.30/1 to 30/4 as well as nos.31/5 to 31/8, Ramesh Nagar, New Delhi, which all had in fact fallen in the share of the late father of the landlord as per Award dated 11.05.1987, within the same building where the subject premises was situated, were owned by his family and were available for use of the landlord. It was also his case that four other shops having nearly identical dimensions, one being adjacent to the subject premises and another being on the corner opposite to the subject premises, had already been successfully evicted by the late father of the landlord. As per tenant, since the landlord is not using any of



the said premises, they were available to be utilised. In addition to the aforesaid, there was also one building with shops and godowns in Sadar Bazar, Delhi, which had also not been disclosed by the landlord.

4. In response thereto, as per landlord, the application seeking leave to defend of the tenant was not only time barred, but also the affidavit in support thereof, had not been attested by the Oath Commissioner, but notarised by the Notary Public. As per landlord, the premises bearing nos.30/1 to 30/4, Ramesh Nagar, New Delhi were neither his nor his late father's, as also, the other properties which his late father got vacated did not fall in his share as they fell in the share of his older brother after the demise of their father. As such, none of the said properties were available with the landlord. Relying upon ***Sudesh Kumar Soni & Ors. vs. Prabha Khanna & Ors.***⁵, it is submitted that since the landlord is the best judge of his needs, the tenant could not dictate as to which property the landlord should occupy. It was lastly the case of the landlord that the tenant had admitted in other proceedings in the year 2013 that the subject premises was lying locked.

5. In rejoinder thereto, as per tenant, although the premises bearing no.31/5 to 31/8 fell in the share of the late father of the landlord, the landlord had completely omitted taking any pleas *qua* the same, as to why they were not available/ not suitable for his needs/ not occupied already, despite the landlord having stated manifold *bona fide requirements* for different members of his family.

6. Thereafter, finding that the tenant was able to raise triable issues regarding there being no *bona fide requirement* of the subject premises by

⁵ 2008 SCC OnLine Del 1128



the landlord as well as there being other *alternative accommodations* available with the landlord, the application seeking leave to defend filed by the tenant was allowed by the learned Rent Controller, West District, Tis Hazari Courts, Delhi⁶ *vide* order dated 27.11.2021⁷, since, the landlord had maintained silence *qua* the premises bearing nos.31/5 to 31/8, which were admittedly belonging to his late father and were lying vacant, as also since he had failed to show why the same were not suitable for his needs/ had not been utilised when the *bona fide requirement* was stated to be manifold for numerous members of the family of the landlord.

7. Hence, the present revision petition seeking setting aside of the impugned order dated 27.11.2021 passed by the learned RC.

8. Though the landlord has taken various grounds in the present revision petition, however, while arguing, learned counsel for the landlord primarily submitted that the learned RC failed to take into consideration that the *bona fide requirement* of the landlord was *qua* the members of his family, being his sons and daughter, as well as himself, all of whom were professionals, and that the same was required to be believed and could not have been questioned by the tenant or by the Court. Since it was the prerogative of the landlord to select appropriate premises to fulfil his *bona fide requirement*, and it was not up to the tenant to dictate the terms thereof.

9. Lastly, learned counsel submitted that the learned RC has not considered that the subject premises was lying locked for the past ten years, for which he relies upon the statements made by the tenant in previous

⁶ Hereinafter '*learned RC*'

⁷ Hereinafter '*impugned order*'



proceedings between the parties in the year 2013.

10. *Per contra*, learned counsel for the tenant, in support of the impugned order, submitted that all the relevant factors raised by the landlord before the learned RC have been duly considered by the learned RC before allowing the application seeking leave to defend of the tenant, especially since there were no pleadings *qua* the premises bearing nos.31/5 to 31/8, which were admittedly lying vacant. More so, even despite having needs for multiple members of his family, none of the said vacant premises were being used by the landlord, casting further doubt on any *bona fide requirement*. Hence, as per learned counsel for the tenant, the essential ingredients of *Section 14(1)(e)* of the Act were not sufficiently made out by the landlord.

11. Heard learned counsels for the parties and perused the documents and pleadings on record.

12. The moot issue involved is the manner of pleadings raised by the tenant, and the case set up by the parties for the learned RC rendering the impugned order. The same has already been recorded vide order dated 08.05.2024 passed by this Court as under:

“1. Final arguments partly heard but have to be deferred as learned counsel for petitioner needs time to examine the Trial Court record in order to respond to the observation of the learned Trial Court in first paragraph at pdf page no. 48 forming part of the impugned order. According to which the petitioner/ landlord did not explain as to why the four vacant shops available with him are not suitable for the requirement projected by him.”

13. A perusal of the record reveals that the tenant had been raising numerous objections from the very inception *qua* the *bona fide requirement*



urged by the landlord, as also *qua* the availability of *alternative accommodations* with the landlord. So much so, the tenant was even able to produce substantiating documents, one of them being the Award dated 11.05.1987, which was not denied by the landlord. The same was a very vital document reflecting the premises bearing nos.31/5 to 31/8 fell into the share of the late father of the landlord.

14. Though, as held in *Shiv Sarup Gupta vs. Dr. Mahesh Chand Gupta*⁸, *Baldev Singh Bajwa vs. Monish Saini*⁹, there is no gain-saying that the landlord is the best judge of his requirements, and the case put forth by him is liable to be believed, however, he has to come clean by making out a case portraying a requirement which is *bona fide*, i.e. sincere, honest, genuine, and like. Of course, a doubt may be/ is cast only when the tenant produces strong and cogent material to the contrary, which is something more than a bald defence.

15. Similarly, despite specific averments being made *qua* the said *alternative accommodations*, though the landlord averred that he was the best judge of his needs, he neither denied that the said premises were lying vacant, nor gave any reason(s) as to why the same do/ did not qualify as reasonably suitable *alternative accommodations* for him to fulfil his *bona fide requirement*. This was, also, of utmost relevance since the landlord had filed the Eviction Petition projecting more than one need, and that too of different family members, i.e. the landlord herein claimed a *four-fold* requirement for *multiple* members of his family, including himself, all for a *single shop* being the subject premises. The landlord had to give a logical

⁸ (1999) 6 SCC 222

⁹ (2005) 12 SCC 778



explanation qua the *four* other premises, more so, since they were not only similar but also lying vacant on the very same floor in the very same building. Instead, not only there was a silence by the landlord qua all the aforesaid, he never disclosed about the same before the learned RC. The same was, thus, sufficient for the learned RC to conclude that there was a *triable issue* raised by the tenant which called for allowing his application seeking leave to defend.

16. As held by the Hon'ble Supreme Court in ***Santosh Devi Soni v. Chand Kiran***¹⁰, the determination of a reasonably suitable accommodation is a factual inquiry dependent on the facts of each case for which there is no rigid legal doctrine, and in cases of *alternative accommodation* when the claims of the tenant are not unfounded, and the landlord fails to show any factors relevant for the intended purpose, leave to defend should ordinarily be granted.

17. In fact, this Court is in complete agreement with the findings of the learned RC as the position as it then stood, crystallised in the impugned order as under:-

“.... In the corresponding paragraph of the reply, the petitioner is silent regarding the usage of the four vacant shops stated to be available with the petitioner and how the same are not suitable for the alleged bonafide requirement. On inquiry from Ld. Counsel for petitioner, it is submitted that the said four shops are lying vacant but it is argued that it is for the landlord to choose which shop the landlord wants for his bonafide requirement.

Even though landlord is the best judge of his requirement, however, when alternative suitable accommodation is available with the petitioner in the same suit

¹⁰ (2001) 1 SCC 255



premises, it is the duty of the rent controller to see how and why the already existing alternative suitable accommodation is being utilized and how the same is not suitable for the alleged bonafide requirement of the petitioner. Moreover non utilization of the already available similarly situated four shops having similar size in the same suit property by the petitioner, despite alleging bonafide requirement of petitioner and his other family members including his two sons, raises a doubt whether there is any bonafide need of the petitioner and his family members or not.”

[Emphasis supplied]

18. Also, since this Court agrees with all the well-reasoned findings, founded on material pleadings of both the sides along with relevant documents rendered, there is no reason to interfere with the impugned order passed by the learned RC.

19. Lastly, in view of what has been held by the Hon’ble Supreme Court in *Sarla Ahuja vs. United India Insurance Co. Ltd.*¹¹ and *Abid-Ul-Islam vs. Inder Sain Dua*¹², this Court, while sitting in supervisory jurisdiction in the present revision petition is not to step into the shoes of the learned RC and substitute the findings rendered in the impugned order, but limit its inquiry to whether or not there are any glaring errors apparent on the face of the record.

20. Accordingly, the present petition is dismissed with no order as to costs.

SAURABH BANERJEE, J.

DECEMBER 04, 2025

Ab/ratna

¹¹ (1998) 8 SCC 119

¹² (2022) 6 SCC 30