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

+ **RC.REV. 682/2019**

UPKAR SINGH

.....Petitioner

Through: **Ms. Gunjan Sinha Jain and Ms.
Muskaan Gopal, Advs.**

Versus

SIRI KISHAN GUPTA

.....Respondent

Through: **Mr. Sanjay Gupta, Adv.**

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

02.12.2025

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CM APPL. 75729/2025 *(for exemption)*

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 75730/2025 *(Delay of 3 days in re-filing)*

3. The present application has been filed by the respondent seeking condonation of delay of 3 days in re-filing the present review petition.
4. For the reasons stated in the application, the same is allowed and the delay is condoned.
5. Accordingly, the application stands disposed of.

Review Petition No.596/2025 and CM APPL. 75728/2025 *(By respondent for stay of the judgment dated 26.09.2025)*

6. By virtue of the present review petition, the respondent seeks



review of the judgment dated 26.09.2025 passed by this Court in RC.REV. 682/2019.

7. Of the case set out by the respondent, it is primarily that the judgement dated 26.09.2025 passed by this Court contains an inadvertent typographical error in paragraph no.18, inasmuch as the citation of the judgment ***Shiv Sarup Gupta v. Dr. Mahesh Chand Gupta: AIR 1999 SC 2507***, has been wrongly cited as 157 (2009) DLT 450.

8. Considering the same, the said error in paragraph no.18 of the judgment dated 26.09.2025 is hereby modified/ amended and henceforth shall read as under:

*“18. However, the learned ARC has also erred in ignoring the well settled principle of law that merely because the landlord is having some accommodation other than the subject premises, more so, since as held in **Nirmala Kumari & Ors. v. Girish Kakkar & Anr.** and **Shiv Sarup Gupta v. Dr. Mahesh Chand Gupta, AIR 1999 SC 2507**, it is not the sole criteria for rejecting the case of the landlord. It is relevant to bear in mind that diverse surrounding factors like dimensions, location, purpose, practicality, reasonability, feasibility, potentiality or like, which though being available before the learned ARC, and were relevant factors for consideration in an eviction proceeding under Section 14(1)(e) of the DRC Act, have been overlooked and ignored by the learned ARC. Thus, the findings of the learned ARC on the aspect of alternative accommodation, not being in accordance with law and suffering from impropriety, arbitrariness and perversity, are also liable to be set aside by this Court in exercise of powers under Section 25B(8) of the DRC Act.”*

9. As such, the present order shall be read in conjunction with the judgment dated 26.09.2025.



10. Barring this, since there are no grounds for review made out in the present application, particularly, as the averments made therein are not such which fall within the precincts of a review under *Order XLVII rule 1* of the Code of Civil Procedure, 1908, the present review petition alongwith the pending application is dismissed.

SAURABH BANERJEE, J

DECEMBER 2, 2025/So