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

+ RC.REV. 229/2025, CM APPL. 46917/2025
VIJAY SHARMA (SINCE DECEASED) THR LRSPetitioners

Through: Mr. Pratyush Sharma, Advocate
(DHCLSC) & Mr. Binish Kumar,
Advocate.

versus

GOPAL KRISHAN AND OTHERSRespondents

Through: Mr. Umang Jain, Advocate.
(Through VC)

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **18.11.2025**

1. By virtue of the present petition, the petitioners (*tenants*) seek setting aside of the impugned judgement dated 26.03.2025 passed by Learned SCJ-cum-Rent Controller, Central District, Tis Hazari Courts, Delhi, (*learned ARC*) in matter being EP-80529/16, titled as, '*Gopal Kishan & Ors. vs. Vijay Sharma*' passed in favour of the respondents (*landlords*).

2. Amongst the many ground(s) taken by the tenants herein, in all fairness Mr. Pratyush Sharma, learned counsel for the tenants, seeks to curtail his arguments only on the aspect of *bona fide requirement* of the subject premises by the landlords which was held in their favour by the learned ARC. As such, this Court need not traverse into the other aspect(s) raised in the present revision petition.

3. Learned counsel for the tenants submits that the landlords had *three*



shops lying vacant on the ground floor of property where the subject premises is situated and the same were *suitable* residential accommodations for which the landlords required the subject premises. He further submits that since there were *alternative accommodations* available with the landlords, the same were sufficient for the learned ARC to dismiss the claim of the landlords in the Eviction Petition.

4. Without advertng to the merits/ demerits involved, this Court is in consonance with the findings rendered by the learned ARC in the impugned judgment dated 26.03.2025 *qua* the aspect of the *bona fide requirement* of the subject premises by the landlords which has been dealt in detail by the learned ARC. The relevant paragraphs thereof are reproduced herein as under:-

“26. The petitioners’ claim is that they bonafide require the tenanted premises for their residence. It is stated that due to shortage of space, many of the petitioners/their families have been forced to reside elsewhere on rent or with other relatives as petitioners do not have any other accommodation available with them. During cross-examination, PW1 stated that after getting possession of tenanted premises in question, they will utilize the said premises for preparing a common area for residence where their family members who are more than 70 years of age are and who are 10 in number, can reside on the ground floor.

27. No plea to the contrary is raised by the respondent in his Written Statement. Hence, the same is deemed to be admitted.

28. The petitioners have claimed that due to misuse of tenanted premises, DDA had cancelled their lease but have agreed to renew the same subject to stoppage of misuse. On the other hand, respondent claimed that premises were let out for commercial purposes and same has been mentioned



even in rent agreement. The petitioners have filed the present eviction petition for their bona fide requirement and not on ground of misuse of tenanted premises. Hence, there is no requirement to ascertain whether there has been any misuse. Similarly, although rate of rent is disputed, however, the same is not in issue in the present case.

29. The petitioners want to use the premises as their residence and respondent has not shown that same is not permitted rather, it has been stated in Written Statement that land has been declared as mixed land use.

30. The petitioners have thus, successfully established their bona fide requirement of premises in question and that they have no other reasonably suitable alternative accommodation. Accordingly, ingredients (ii) and (iii) are also established in favour of the petitioners.”

5. As this Court finds no merits *qua* the aforesaid and as there is nothing else remaining for consideration of this Court, there is no reason that warrants any interference with the impugned judgement dated 26.03.2025. As such, the present revision petition along with pending application(s), if any, therein are dismissed.

6. In view thereof, since the period of *six months* granted to the tenants in terms of Section 14(7) of the Delhi Rent Control Act, 1958 (**DRC**) Act is already over, the tenants are liable to handover the vacant, physical and peaceful possession of the subject premises i.e., **Shop no.5, at property bearing no.5/5777, Dev Nagar, Street no.1. New Delhi-110 005** to the landlords in terms of the impugned judgment dated 26.03.2025.

SAURABH BANERJEE, J

NOVEMBER 18, 2025/NI