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

+ **RC.REV. 235/2025**

SHRI ANIS UMAR LACEWALA (SINCE DECEASED)
THROUGH LRS. & ORS.Petitioners

Through: **Mr. Praveen Pandey, Advocate**

Versus

MS SUMAIYA NAQIRespondent

Through: **Mr. R.Y. Kalia, Advocate**

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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24.11.2025

CM APPL. 73820/2025 (Stay)

1. By virtue of the present application, the petitioners/ tenants seek grant of stay of the impugned judgment dated 21.03.2025.
2. Considering that the tenants, despite the eviction order being passed on 21.03.2025, chose to approach this Court only in the second week of July 2025 i.e., after about four months, as also in view of the specific observations recorded by this Court in the order dated 07.08.2025 and 13.08.2025, and since there is no change in the circumstances since then and today, there is no reason for allowing the present application.
3. As such, the present stay application is dismissed.

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4. By virtue of the present petition, the petitioners/ tenants seek setting aside of the judgment dated 21.03.2025 passed by the learned ARC, Tis Hazari Courts, Delhi in eviction petition being RC ARC 345/18 entitled

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“*Ms. Saumiya Naqi vs. Mr. Anis Umar Lacewala & Anr.*”.

5. *Succinctly put*, it was the case of the respondent/ landlady that she was/ is the owner of the subject premises bearing no.1271, consisting of Ground Floor and First Floor, situated at Gali Gau Khana, Haveli Hissamuddin Haider, Ballimaran, Delhi-110 006 (*subject premises*) by virtue of a Will dated 01.08.1998 executed by her father Late Sheikh Mohammad Naqi in her favour. As per landlady, subsequent to her father’s demise, the tenants’ predecessor and tenants accepted her as the owner-landlord of the subject premises and were paying rent to her.

6. The landlady asserted that she had a *bona fide requirement* for the subject premises for her own residence and that of her family members, as her, then, present residential accommodation at K-34, Hauz Khas, New Delhi (*Huaz Khas property*), was insufficient as also since she was facing certain issues with her in-laws.

7. The tenants upon service, filed an application seeking leave to defend, which was dismissed by the learned ARC *vide* order dated 18.11.2015. However, in a challenge thereto this Court *vide* order dated 15.03.2018 passed in RC. Rev. 222/2016 granted leave to defend to the tenants and remanded the matter to the learned ARC.

8. Thereafter, after the parties filed their respective statement/ replication along with documents, they led their respective evidence. Considering the above, the learned ARC *vide* the impugned judgment dated 21.03.2025 allowed the Eviction Petition of the landlady.

9. Aggrieved thereby, the tenants are before this Court by way of the present revision petition.

10. Of the various grounds asserted by the tenants in his revision



petition, learned counsel for the tenants has restricted his arguments to *firstly* the Will dated 01.08.1998 upon which the landlady based her claim to be the owner of the subject premises. As per learned counsel for the tenants, since the said Will was never filed before the learned ARC, it could not be proven. As such, there existed no *landlord-tenant relationship* between the parties.

11. *Secondly*, as per learned counsel for the tenants, the landlady in her cross-examination, admitted that her husband along with his other brothers had sold the earlier Haus Khas property and shifted to the property being 164 Greater Kailash Part-II, New Delhi (**GK II property**). Based thereon, he submits that the very ground of having paucity of space in the Haus Khas property for which the landlady was seeking eviction of the tenants no longer survived. Moreover, it was no more her case that she was still facing space constraint after having shifted to the GK II property. In continuation, he submits that the very shifting residences by the landlady was itself sufficient for the learned ARC to hold that there was no *bona fide requirement* of the landlady and that she was having an *alternative accommodation* available with her.

12. *Per Contra*, learned counsel for the landlady submits that since the Will dated 01.08.1998 has been consented/ acted upon by all the legal heirs of landlady's father, as also it is an admitted fact that the tenants were paying the rent to the landlady, it does not lie in the mouth of the tenants to raise a suspicion and/ or dispute the said Will. Regarding, the GK II property he submits that, since there was no such plea ever taken by the tenants before the learned ARC, they cannot seek to raise it here at this stage. Lastly, learned counsel for the landlady submits that the landlady's



shifting houses to the said GK II property from Huaz Khas property does not absolve her *bona fide requirement* for the subject premises.

13. This Court has heard the submissions of the learned counsel for the parties and gone through the pleadings and documents on record.

14. All throughout the proceedings before the learned ARC, the tenants never laid any opposition worthy of consideration to the Will dated 01.08.1998 based whereon the landlady is claiming her title to the subject premises. Neither was any effort made by the tenants to dispute the same by summoning it there. As such, it is now too late in the day for the tenants to try to lay a challenge to the said Will. Further, under the existing facts and circumstances involved, it is not open for the tenants to seek to question the title of the landlady, after having paid rent to her and lost in the first round of litigation against her. In fact, the tenant/ petitioner no.2 herein, in his cross-examination, has admitted that both he and his mother had been paying rent to the landlady and were getting receipt thereof as well.

15. The aforesaid has rightly been considered sufficient by the learned ARC to negate the tenants' challenge to the landlady's ownership and to establish the existence of *landlord-tenant relationship inter se* the parties, with which this Court is in complete concurrence.

16. This Court is also not convinced with the tenants' contention that the landlady's *bona fide requirement* stands extinguished merely because she has shifted to GK II property as the same is not a criterion for determination in an eviction proceedings under *Section 14(1)(e)* of the DRC Act. More so, it is well settled that the determination of the (*un-*)suitability or (*in-*) sufficiency of any alternative accommodation lay/ lies



within the exclusive prerogative of the landlady, who alone was/ is entitled to determine her requirements qua factors including nature and type of the premises, its location, space available, status of the landlord, etc. qua the subject premises. It was/ is for the landlady to determine as to whether there were any other premises which were/ are fulfilling her requirements. Therefore, the mere fact that the landlady has shifted to another premises cannot, by itself, be a ground to defeat the landlady's *bona fide requirement*. On the contrary, it fortifies the conclusion that her requirement was genuine, honest, and sincere. In any event, since there were no pleadings by the tenants qua the GK II property, this Court needs not to delve into the same.

17. Lastly, it is now well settled that in a revision petition under *Section 25B(8)* of the DRC Act, interference with the impugned order/ judgment is only possible under exceptional circumstances like 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. Reference may be made to *Sarla Ahuja v. Union India Insurance Company Ltd.*¹; *Abid-Ul-Islam v. Inder Sain Dua*² and *Kuldeep Singh v. Sanjay Aggarwal*³. Even otherwise, the tenants cannot be permitted to set up a new case by seeking to insert new submissions at this stage.

18. *Ergo*, in view of the aforesaid analysis, this court finds no grounds for interfering with the well-reasoned and detailed findings arrived by the learned ARC in the impugned judgment dated 21.03.2025.

¹ (1998) 8 SCC 119

² (2022) 6 SCC 30



19. Accordingly, the present revision petition alongwith the pending application, if any, stands dismissed.

SAURABH BANERJEE, J

NOVEMBER 24, 2025/So

³ MANU/DE/1513/2018