



2025:DHC:11614



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

% **Date of decision: December 16, 2025**

+ **RC.REV. 265/2025, CM APPL. 54224/2025**

ANIL KUMAR SINGHAL

.....Petitioner

Through: Mr. Vikrant Mittal and Ms. Nashid
Aman, Advocates.

Versus

SMT.INDERJEET KAUR

.....Respondent

Through: Mr. Gurmehar Singh Sistani and
Mr. Samit Khosla, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (ORAL)

1. This Court on 29.08.2025, after hearing arguments addressed by learned counsels for both the parties, passed the following order:-

*“1. By virtue of the present petition, the petitioner/ tenant seeks to challenge the order dated 07.03.2025 passed by the learned Rent Controller, North District, Rohini Courts, Delhi in RC ARC No.23/2023 whereby the leave to defend application filed by the petitioner/ tenant has been rejected, and eviction order has been passed against him qua the property bearing no.F-14/61, Model Town-II, Delhi-110 009 (**subject premises**) under Section 14(1)(e) of the Delhi Rent Control Act, 1958 (**the Act**).*

2. Learned counsel for the petitioner/ tenant submits that the respondent/ landlady is not the actual owner of the subject premises and that the purpose for which the respondent/ landlady requires the subject premises is for running a beauty parlour, which, according to him, is not feasible for any person in the locality of Model Town-II, Delhi, especially considering the limited area of the subject



premises.

3. *Learned counsel further submits that even otherwise, the respondent/ landlady is having various alternate suitable accommodations within the same property wherein she can easily run the beauty parlour she intends to open. He then submits that the petitioner/ tenant had filed various photographs before the learned Additional Rent Controller (ARC) showing that the respondent/ landlady has displayed "SPACE FOR RENT" in respect of the subject premises, substantiating that the eviction petition filed by the respondent is mala fide.*

4. *Learned counsel lastly submits that none of the above have been considered by the learned ARC.*

5. *Issue notice.*

6. *Learned counsel for the respondent/ landlady accepts notice. He submits that the petitioner/ tenant has withheld certain documents which were forming a part of the Trial Court Record ('TCR'), one of them being the proceedings initiated by the petitioner/ tenant himself, who filed an eviction petition (RC ARC No.17/2019) against his own tenants qua the property bearing no.F-14/64, Model Town-II, Delhi-110 009 located 100 meters away from the subject premises, and of which he is the owner, on the ground that he requires the said premises for shifting his kirana business from the subject premises on account of his eviction.*

7. *Learned counsel for the respondent/ landlady further submits that the relevant documents qua litigation inter se the late husband of the respondent, late Shree Harjeet Singh, and his brother before this Court, relevant certified copies whereof were filed before the learned ARC, clearly establish that the respondent/ landlady is in fact the owner of the subject premises. He lastly submits that the Death Certificate of the late husband of the*



respondent/ landlady, which was filed before the learned ARC clearly shows the respondent as his wife, and which has not been filed before this Court.

8. Learned counsel for the petitioner, in rejoinder submits that the reliance upon the orders passed by this Court in various proceedings inter se the late husband of respondent/ landlady and his brother is misplaced, as the said orders do not establish that presently the respondent is the owner of the subject premises.

9. However, on the aspect of the Death Certificate, upon being shown the same by the respondent/ landlady, learned counsel for the petitioner/ tenant admits that the same was indeed filed before the learned ARC, as also that it is categorically mentioned therein that the respondent/ landlady is indeed the wife of late Shree Harjeet Singh who was embroiled in litigation with his brother before this Court.

10. Learned counsel for the parties submit that instead of filing reply/ rejoinder they would prefer to file their written synopsis not exceeding five pages, giving a chronological list of dates and events and relevant documents, if any, alongwith duly highlighted judgments setting out the propositions of law therein, they wish to rely upon within a period of two weeks.

11. Additionally, the petitioner shall also seek instructions qua the feasible time period within which the petitioner would vacate the subject property and hand over the possession thereof to the respondent, along with the terms of payment of user and occupation charges for the aforesaid period.”

2. In furtherance of the above, learned counsel for the petitioner/ tenant submits that he has no instructions *qua* the feasible time period for vacation of the subject premises by the tenant, as also *qua* the payment of user and occupation charges. However, today he seeks to only urge the



sole remaining issue of alternative accommodation, which, according to him, was not raised by him on 29.08.2025, when arguments in the petition were heard in detail.

3. As such, learned counsel submits that since the tenant was able to show various *alternative accommodations* available with the respondent/landlady, a *triable issue* was successfully raised by him before the learned Rent Controller (**learned RC**).

4. This Court finds that the learned RC, while dealing with the aforesaid issue of *alternative accommodation* available with the landlady, has rendered categorical findings in *paragraph nos.16 to 23* of the impugned order dated 07.03.2025, which are reproduced as under:

“16. In short, a comprehensive reading of the site plan filed by the respondent with the order of the High Court (supra) shows that Harjeet Singh got the left side of the property no. F14/60-61 while Mohan Bir got the right side. The parties/brothers to the settlement have already acted upon the settlement and taken possession of /their respective portions. Respondent has not brought anything on record to show that same is not the case or that even the properties shown to be vacant have fallen into petitioner's share. Thus, there is no reason to disbelieve that in view of Order dated 05.04.2019, the right side portion which includes the shop no. 4 alongwith the floors above it are in Mohan Bir's share and hence, cannot be utilized by the petitioner for her requirements so as to be termed as an alternative suitable accommodation.

17. That leaves us with shop no. 2 on the ground floor, stated to be measuring 10' X 16', also shown in red color in the site plan Annexure R-XVII. Although the same has fallen into petitioner's share, she states that the ceiling of this room is low, having a height of not more than 3-4 ft., because of an indent caused due to a staircase above it.



Therefore, it cannot be used for running any kind of business except maybe for a cloud kitchen/fast food delivery joint or for storage. There seems to be merit in the submissions of the petitioner and same is also substantiated by the photographs filed by the both the sides. The staircase passing above the said room has hardly left any space in the same and would also be hazardous for the occupants, if used. Thus, its existence or availability is of no consequence to the present proceedings.

18. Besides it hardly requires any re-iteration that a tenant cannot dictate terms to the landlord as to how and in what manner she should utilize her own property. He also cannot advise her as to what and what not she should do when she has other premises available or if she should shift to some other place including the upper floors, which in the present case happens to be an open terrace, while occupying a ground floor property. Apart from there being no empty rooms on the terrace, judicial notice can otherwise be also taken of the fact that shops and businesses are usually conducted on the ground floor, because customers can reach there easily. Neither the court nor the tenant can dictate to the landlord which floor or which space she should use for her business (see “Uday Shankar Upadhyay & Ors. Vs. Naveen Maheshwari. (2010) 1 SCC 503”)

19. In short, it is for the landlord to decide from which property she wants to run her business and tenant has no say in the same. Similarly, tenant is also no one to say that the tenanted premises is small and hence, cannot be used for running a beauty parlor when he himself is running a profitable business from the same. It is for the petitioner to see as to how and in what manner she would utilize the premises in establishing a new business and it is of no concern of the respondent as to whether or not it would suit her requirements. In fact, if the space is indeed too



small, then the respondent should not be fighting so hard to retain it.

II. Property at Hamilton Road, Kashmere Gate & “Paradisze” property at Model Town. Delhi.

20. *Apart from above, respondent has also alleged that petitioner has a property bearing no. D-14A/29, Model Town II, Delhi viz Paradise admeasuring 1100 sq yards under her occupation which she has not disclosed and from where she can easily run her beauty parlor. However, the photographs filed by the respondent makes it clear that same is a residential property with the name plate "Harbhajan Niwas" affixed at its entrance. Respondent cannot compel petitioner to utilize a residential property for commercial purposes irrespective of its measurements. A residential property no stretch of imagination can be termed as an alternative suitable accommodation for commercial requirements and therefore even its non-closure by the petitioner in her petition is immaterial and its existence inconsequential to the merits of the case.*

21. *Next it is stated that Harjeet Singh also had a commercial property bearing number 2638, Hamilton Road, Kashmere Gate, Delhi of which approximately 400 square yards is lying vacant.*

The suitability of any accommodation has to be assessed in respect of the felt need of the landlord. Petitioner is residing in Model Town and wants to run her business also from Model Town. The tenanted premises is situated in Model Town and thus in close proximity to her residence and more convenient for her. The motive for running any kind of business is obviously profit and if the petitioner considers the tenanted premises to be more profitable and convenient for her requirements, then the respondent while occupying her property cannot ask her to move to some other place, which is less convenient, farther and not ideal for her requirements. It need not be reiterated that petitioner is the best judge of her



requirements.

22. In "Shiv Sarup Gupta Vs Dr. Mahesh Chand Gupta" AIR 1999 SC 2507, Hon'ble Supreme Court held that:-

"Needless to say that an alternate accommodation, to entail denial of the claim of the landlord. must be reasonably suitable, obviously in comparison with the suit accommodation wherefrom the landlord is seeking eviction. Convenience and safety of the landlord and his family members would be relevant fact. While considering the totality of the circumstances, the court may keep in view the profession or vocation of the landlord and his family members, their style of living, their habits and the background wherefrom they come."

23. Thus, neither of the properties mentioned by the respondent can be termed as an alternative suitable accommodation and apart from above, respondent has not been able to show availability of any other accommodation with the petitioner. Respondent's remaining objection that the petitioner failed to state in express terms in the petition that she does not have an alternative suitable accommodation is also without merit. Petitioner has throughout averred in her petition that only the tenanted premises is most suited for her requirements and in her reply to the leave to defend application, she has expressly stated that she does not have an alternative suitable accommodation for her requirements. Therefore, it cannot be said that such pleading is missing. Pleadings have to be read meaningfully and a hyper-technical approach has to be avoided.

The objections of the respondent in this regard accordingly stand rejected and it is held that petitioner has been able to establish the unavailability of an alternative suitable accommodation with her for her requirements."



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5. In view of the afore-going, there is no merit in the present petition. As also, since this Court is in complete agreement with the well-reasoned and concrete findings rendered by the learned RC in the impugned order, there is no plausible reason for this Court to interfere therein.

6. As such, the present petition, alongwith the pending application, is dismissed.

7. Needless to say, since the statutory period of six months granted to the tenant in terms of *Section 14(7)* of Delhi Rent Control Act, 1958 is already over, the tenant shall be liable to handover vacant, peaceful and physical possession of the subject premises to the landlord in compliance of the impugned order.

SAURABH BANERJEE, J.

DECEMBER 16, 2025/So