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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 373/2025, CM APPL. 73524/2025**

MOHD SULEMAN AND ANR

.....Petitioners

Through: Mr. Ahmad Zohgham, Mr. Saif
Naseem and Ms. Sidra Khan,
Advocates with petitioner no.1 in
person.

versus

ZIA UL HAQ AND ORS

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

17.12.2025

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1. This Court on 24.11.2025, after hearing arguments addressed by the learned counsel for the petitioners/ tenants passed the following order:-

“... ..

3. *By virtue of the present petition, the petitioners (**tenants**) seeks setting aside of the impugned order dated 26.08.2025 passed by the learned Additional Rent Controller-02 (Central), Tis Hazari Courts, Delhi, (**learned ARC**) in the Eviction Petition being RC ARC No.78248/2016 filed by the respondents (**landlords**) under Section 14(1)(e) of the Delhi Rent Control Act, 1958 (**DRC Act**) whereby the tenants were directed to vacate the premises i.e., Shop forming part of property No. 1939, Ground Floor, Gall Kallu Channa Mal, Suiwalan, New Delhi-110 002 (**subject premises**).*

4. *The owner-landlords filed the Eviction Petition, since subsequent to the death of their late father they became the absolute owners of subject premises vide registered Sale Deed dated 27.06.2010. As per them, since the tenants were inducted by their late father vide Rent Agreement dated 01.05.1993, the landlords became such by operation of law. It was their case that the landlord no.1 had a bona fide requirement for the subject*



premises to commence his independent business to support his family as there were no suitable alternative accommodations for the said purpose.

5. *Upon service thereof, in response, the tenants filed an application seeking leave to defend, wherein, primarily they disputed the Site Plan filed by the landlords as being incorrect and as per them the landlords had concealed the existence of multiple accommodations available with them. It was also their case that the landlords had not given the complete/ true details of his family members and the Eviction Petition was only a means to secure the high value subject premises under the pretext of a bona fide requirement thereof.*

6. *After hearing the parties and going through the documents on record as well as taking the judgments cited by them into consideration, the learned ARC dismissed the application seeking leave to defend vide order dated 26.08.2025 and directed the tenants to handover the subject premises to the landlords.*

7. *Aggrieved thereby, the tenants have preferred the present revision petition.*

8. *At the outset, amongst the various grounds taken by the tenants in the present revision petition, learned senior counsel has restricted his submissions primarily to the counter Site Plan filed by the tenants before the learned ARC. For ease of convenience, learned senior counsel for the tenants draws the attention of this Court to the said counter Site Plan (@ page 102 of the paper book), based whereon he submits that there are three adjacent shops involved, out of which the Shop no. 'X-1' has already been sold by the predecessor of the landlords, the Shop no. 'X-3', though lying vacant, and in the possession of the landlords, has not been adverted to by the learned ARC, and Shop no. 'X-2' is the subject premises for which the Eviction petition was filed by the landlords. Thus, both Shop no. 'X-1' and Shop no. 'X-3' are adjacent to the subject premises.*



9. *Barring the above, learned senior counsel for the tenants has not put forth any submissions.*

10. *As such, there is no challenge to the findings by the learned ARC qua the aspects of landlord tenant relationship between the parties and there being a bona fide requirement of the subject premises by the landlords. In effect, the tenants are raising a dispute qua the landlords having alternative accommodation available with them.*

11. *Considering that Shop no. 'X-1' has already been sold, there is no occasion for this Court to deal with that. However, qua Shop no. 'X-3', based on the documents on record, especially the said counter Site Plan filed by the tenants before the learned ARC, it is apparent that the said Shop no. 'X-3', which is purportedly lying vacant and available with the landlords, is not of the same size and dimensions as Shop no. 'X-2' i.e., the subject premises and the same is not disputed by learned senior counsel for the tenants.*

12. *For this, this Court refers to the findings by the learned ARC, who, while dealing with the said aspect has returned the findings as under:-*

"10.13 It has been argued by counsel for petitioner that as mentioned in para 18 (iv) to (vi) of the Eviction Petition, the petitioner no.1 requires the tenanted shop in question to start his business of making and repairing goggles and spectacles as having experience in the same. That he was earlier doing same job at some other shop and after being turned out from the said shop the petitioner no. 1 has been unemployed. That the shop in question is the best suitable commercial accommodation for business of the petitioner no.1 and the petitioners have no other suitable alternate accommodation for said requirement.

10.14 *On the other hand, it has been argued by*



counsel for respondent that petitioners have not placed on record any document of experience in favour of petitioner no. 1 to start the business of opticals. Again the petitioners have concealed about availability of three shops as well as space of courtyard in their possession. It is further stated that the petitioners have not filed the correct site plan showing the entire description of property in question and accordingly, the respondents have filed another site plan alongwith their rejoinder, showing the entire property in question. It is further argued that as mentioned in the application for leave to defend, the predecessor in interest of the petitioners Rehman-Ul-Haq had already sold one adjacent shop of the property in question to one Shahnaz Begum on 23.11.2012 and he had also agreed to sell the shop in questions to the respondents and had also received the amount of Rs.80,000/- from the respondent, however he failed to execute the sale documents in favour of the respondents.

*10.15 Heard. It is observed that except making the vague denial, the respondents have failed to raise any specific objection for denial of the requirement of the petitioner no.1 for running a shop for his own livelihood. It is observed that a person who wants to start or run a business, he is not presupposed to have a prior experience with respect to the said business and a person can certainly start a new business even without any experience. In this regard, reference can be made to the judgment of **Ram Babu Agarwal vs. Jay Kishan Das 2009(2) RCR 455**, wherein the Hon'ble Apex Court observed as under:-*

"However, as regards the question of bonafide need, we find that the main ground for rejecting the landlord's petition for eviction was that in the petition the landlord had alleged that he required the premises for his son Giriraj who wanted to do footwear business in the premises in question. The High Court has held that since Giriraj has no experience in the footwear business and was only



helping his father in the cloth business, hence there was no bonafide need. We are of the opinion that a person can start a new business even if he has no experience in the new business. That does not mean that his claim for starting the new business must be rejected on the ground that it is a false claim. Many people start new businesses even if they do not have experience in the new business, and sometimes they are successful in the new business also."

13. Even though there may be no direct reference to the counter Site Plan qua Shop no. 'X-3' by the learned ARC in the impugned order, however, the aforesaid reasons given therein, relevant parts whereof have been reproduced hereinabove, were sufficient for the learned ARC for disallowing the application of the tenants seeking leave to defend.

14. Additionally, the learned ARC has also relied upon the decisions passed by the Hon'ble Supreme Court in **Ram Babu Agarwal vs. Jay Kishan Das**, **Abid-Ul-Islam vs. Inder Sain Dua**, **Sudesh Kumar Soni & Ors. vs. Prabha Khanna & Ors.** and **Ragavendra Kumar vs. Firm Prem Machinery** to reach at a conclusion that the alternative accommodations were not suitable and/ or reasonable for the landlord no.1's bona fide requirement. In any event, as per settled law it is the prerogative of the landlord to call for eviction of the subject premises as per his genuine and truthful suitability, reasonableness and convenience in which neither the tenant nor this Court have a say. This is, more so, since it is dependent upon various factor(s), i.e., size, location, accessibility, intended use, viability, and safety of the property. Each of the aforesaid are quintessential variables being the sole prerogative of the landlord to reckon the availability of suitable alternative accommodation as held in **Akhileshwar Kumar vs. Mustaqim**, **Anil Bajaj vs. Vinod Ahuja**, **Shiv Sarup Gupta vs. Dr. Mahesh Chand Gupta**; **Viran Wali vs. Kuldeep Rai Kochhar** and **Kanhaiya Lal Arya vs. Md. Ehsan & Ors.**

15. In view thereof, as also since the learned ARC has



already dealt in great detail with the issues raised herein by the learned counsel for the tenants, there is hardly any situation that warrants any interference from this Court with the impugned order dated 26.08.2025. As such, this is a fit case for upholding the impugned order.

16. However, at this stage, learned senior counsel for the tenants seeks, and is granted, two weeks for seeking appropriate instructions without prejudice to the rights and contentions of the tenants and as a matter of abundant caution, qua the feasible time period within which the tenants would vacate the subject premises and hand over the possession thereof to the landlords, along with the terms of payment qua user and occupation charges for the period from which it falls due.

17. On the tenants taking requisite steps within a period of one week, issue notice to all the landlords for the aforesaid purpose only by all permissible modes, returnable on 17.12.2025.”

2. In essence, this Court has already rendered its findings after hearing learned counsel for the parties at considerable length.
3. Today, apropos last order dated 24.11.2025, learned counsel for the tenants, alongwith the petitioner no.1 appearing in person, submits that he has no instructions regarding the feasible time period for vacation of the subject premises and/ or payment of user and occupation charges.
4. As such, considering the order dated 24.11.2025 passed by this Court, as also in view of the well-reasoned and concrete findings rendered by the learned ARC in the impugned order dated 26.08.2025, there is no plausible reason for this Court to interfere with the same.
5. Accordingly, the present petition alongwith the pending application, is dismissed and the impugned order dated 26.08.2025 is upheld.



6. Needless to say, since the statutory period of *six months* granted to the tenants in terms of *Section 14(7)* of the Delhi Rent Control Act, 1958 is not over, the tenants shall be liable to handover vacant, peaceful and physical possession of the subject premises to the landlords in accordance with the impugned order dated 26.08.2025.

SAURABH BANERJEE, J

DECEMBER 17, 2025/NA