



2025:DHC:11072



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: December 05, 2025

+ RC.REV. 389/2025, CM APPL. 76726/2025-Exp, CM APPL. 76727/2025-Exp, CM APPL. 76728/2025-Delay 64 days in re-filing

SMT JASBIR KAUR DECEASED & ORS.Petitioners
Through: Mr. R.K. Jain and Mr. Rajesh
Yadav, Advocates

Versus

SH RAM KUMARRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (O R A L)

1. The respondent/ landlord (*landlord*) instituted an eviction petition under *Section 14(1)(e)* read with *Section 25B* of the Delhi Rent Control Act, 1958 (*DRC Act*) before the learned Senior Civil Judge-cum-Rent Controller, New Delhi District, Patiala House Courts, New Delhi (*learned RC*) seeking eviction of the petitioners/ tenants (*tenants*) from premises bearing no.WZ-812, Ram Chander Basti, Nangal Raya, Delhi- 110 046 (*subject premises*).

2. Before the learned RC, it was the case of the landlord that he was/ is owner of the subject premises by virtue of registered Will dated 11.05.1987 and was in *bona fide requirement* of the subject premises for his unmarried daughter's residence as well as for setting up a boutique for her therein and since there were no suitable *alternative accommodation*

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available with him for the said purpose.

3. Upon service of summons, tenants filed their application seeking leave to defend though disputing the ownership of the landlord, however, admitting the *landlord tenant* relationship between the parteis, *bona fide requirement* and the *(non-)availability of alternate accommodation*.

4. The learned RC, after considering the material on record and hearing the parties, *vide* order dated 30.07.2025 (***impugned order***), dismissed the application seeking leave to defend of the tenants and proceeded to pass the eviction order in favour of the landlord.

5. Hence the present revision petition filed by the petitioners/ tenants seeking setting aside of the impugned order dated 30.07.2025 passed by the learned RC.

6. Though the tenants have raised various grounds, however, learned counsel for the tenants does not wish to harp upon the existance of *landlord tenant relationship*, since it was admitted from the very inception. The *landlord tenant relationship*, in view of the tenants' categoric admission has been held to be established. The learned counsel, however, submits that since the landlord was/ is in possession of several other accommodations and that his *bona fide requirement* was neither honest nor sincere as both daughter and son of the landlord were gainfully employed, the tenants were able to disclose sufficient facts in their leave to defend application to raise a *triable issue*, and thus, the learned RC was duty-bound to grant leave. The learned counsel relies upon ***Precision Steel & Engineering Works & Anr. vs. Prem Deva Niranajan Deva Tayal:*** (1982) 3 SCC 270; ***Inderjeet Kaur vs. Nirpal Singh:*** (2001) 1 SCC 706; ***Vijay Kumar Ahluwalia & Ors. vs. Bishan Chand Maheshwari & Anr.:***



Civil Appeal No.1546 of 2017.

7. Heard learned counsel for the tenants, as also, gone through the documents and pleadings on record and the judgments cited at Bar.

8. Since the existence of a *landlord tenant relationship* between the parties is admitted, and there is no challenge to the findings qua that in the impugned order, it does not call for any interference by this Court.

9. Considering that it was the case of the landlord that he had a *bona fide requirement* of the subject premises for residential use of her unmarried and unemployed daughter as also for enabling her to set up a boutique therein as he has no such/ other place, and for this he was having no other suitable *alternative accommodation* available, it cannot be said to be an unreal, unguenuine, and invalid need of a father for her daughter. Though the tenants had asserted that the landlord was running a gym from another premises, however, the same was of no effect as the landlord had himself pleaded, in his Eviction Petition, that it was his son who was running the same, as also the tenants had never adduced any credible material to either controvert that or establish any nexus thereto with the Eviction Petition.

10. Similarly, though the onus squarely lay upon the tenants to establish availability of *alternative accommodation*, the tenants merely asserted about the landlord being in possession of vacant rooms in property nos.812A and 1268 as also have property No.1326A, Tilak Nagar and have not substantiated the same with any evidence. *Conversely*, the landlord categorically denied availability of any such suitable alternative accommodation as there were no rooms available in property no.812A; and the property no.1268, Tilak Nagar was comprising only the ground



floor, where his son is running a gym; and the property no.1326A, Tilak Nagar, was itself a tenanted premises from which his son is also operating a gym.

11. In effect, barring bald and vague assertions by the tenants, there was nothing substantially/ constructively material worthy of substantiation/ credence on record for having raised a *triable issue* before the learned RC.

12. Under such circumstances, since the landlord was able to show his genuineness of the requirement, and it was/ is the prerogative of the landlord to choose reasonably suitable and convenient accommodation, the tenants had no say thereon and could not dictate terms.

13. In any event, simply because the daughter of the landlord was gainfully employed and working, and/ or that his son was operating a gym from another premises, did not preclude the landlord from initiating eviction proceedings for seeking eviction of the tenants from the subject premises.

14. In view of the aforesaid discussion, this Court is of the considered view that the tenants were unable to raise any *triable issue* before the learned RC.

15. At this stage, it is imperative to note that the tenant(s) cannot be granted leave merely on the strength of bald, vague and unsubstantiated assertions, since it is incumbent for the tenant(s) to furnish some reliable, worthy and cogent material in support thereof to raise at least a semblance of plausibility to the defence. In the absence of such material, every tenant, by resorting to smart drafting would be able to clothe frivolous or moonshine allegations in a manner that would invariably lead to grant of leave to defend in all cases. There has to be a culmination to the eviction



proceedings. The proceedings under Chapter III-A was incorporated in the DRC Act are in the nature of summary procedure and the intent/ purpose of the legislature behind the same is very clear and would be frustrated by prolonging the agony of the landlord.

16. In this context, this Court finds able support in the decision of the Hon'ble Supreme Court in *Abid-Ul-Islam vs. Inder Sain Dua: (2022) 6 SCC 30*, wherein it is held as under:

“18. For availing the leave to defend as envisaged under Section 25- B(5), a mere assertion per se would not suffice as Section 14(1)(e) creates a presumption subject to the satisfaction of the learned Rent Controller qua bona fide need in favour of the landlord which is obviously rebuttable with some material of substance to the extent of raising a triable issue. The satisfaction of the Rent Controller in deciding on an application seeking leave to defend is obviously subjective. The degree of probability is one of preponderance forming the subjective satisfaction of the Rent Controller. Thus, the quality of adjudication is between a mere moonshine and adequate material and evidence meant for the rejection of a normal application for eviction.

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20. Dealing with a pari materia provision, this Court in Baldev Singh Bajwa v. Monish Saini [Baldev Singh Bajwa v. Monish Saini, (2005) 12 SCC 778], was pleased to clarify the aforesaid position holding the procedure as summary. In such a case, the tenant is expected to put in adequate and reasonable materials in support of the facts pleaded in the form of a declaration sufficient to raise a triable issue”.

(emphasis supplied)

17. In the similar vein, this Court in *Hari Shankar vs. Madan Mohan Gupta : 111 (2004) DLT 534* has held that:



*“17. In my considered view, there has to be at least a prima facie case on the basis of disclosure of facts for the tenant to be granted leave to defend. The Additional Rent Controller has found no such case and I see no reason to interfere with the said finding in the present Revision Petition. In fact, it was put to learned senior counsel for the petitioner during his elaborate submissions running into almost two hours, that the present case is one of revision petition and it is within those parameters that the impugned order has to be examined. The scope of enquiry may be more than a revision petition under Section 115 of the Code of Civil Procedure, 1908, since this is the first court after the order of the trial court which examines the matter. However, this is to be seen as per the legal pleas as are available to a tenant. **The summary procedure in Section 25-B of the said act cannot be defeated by merely making frivolous and vague allegations which can never be substantiated. It is the stage before trial but there has to be some plausibility to the defence which could give rise to a conclusion that these are such facts as would require trial and if proved during the course of trial, would disentitle the landlord of an order of eviction.** Applying the said parameters, the case of the petitioner cannot succeed.”*

(emphasis supplied)

18. In view of the aforesaid analysis and reasoning, reliance placed upon **Precision Steel** (*supra*) and **Inderjeet Kaur** (*supra*) being misplaced, does not come to the aid of the tenants.

19. Lastly, reliance placed upon the decision of **Vijay Kumar** (*supra*) is also misplaced as that was a case where the Hon'ble Supreme Court was dealing with a tenant who was able to set out a *prima facie* case, sufficient on the basis of the materials before the learned Controller, to have held that a triable issue was raised, which in view of the aforesaid, is not the position in the present proceeding.



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20. In view of the aforesaid, this Court is in agreement with the findings rendered by the learned RC in the impugned order dated 30.07.2025. As such, there is no reason or ground for this Court to interfere with the impugned order and/ or set aside the same.

21. Accordingly, the present petition along with the pending applications is dismissed *in limine*.

SAURABH BANERJEE, J.

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By: BABLOO SHAH
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