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

+ RC.REV. 5/2017, CM APPL. 47906/2025

DALJIT DUTTA

.....Petitioner

Through: Mr. Pawan Aggarwal and Mr.
Amish Tiwari, Advocates.

versus

SUKHDEV MONGIA

.....Respondent

Through: Mr. Nitin K. Gupta, Mr. Sanchay
Mehrotra, Ms. Ayushi Arya, Mr.
Parth Kansal, Mr. Prasoon Kumar
and Mr. Punit Singhla, Advocates.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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18.12.2025

CM APPL. 48223/2024 *(for enhancement of rent)*

1. Vide order dated 26.11.2019, this Court fixed user and occupation charges qua the subject premises @ Rs.8,000/- per month w.e.f. 01.01.2017, which, as per learned counsel for the parties the same are being paid regularly by the tenant.
2. Learned counsel for the parties, without entering the merits involved, submit that after passing of the order dated 26.11.2019 by this Court, much water has flown then, more so, since more than *six years* have lapsed.
3. Considering the aforesaid, this Court deems it fit and appropriate to call upon the tenant to pay the enhanced user and occupation charges at an enhanced rate @ Rs.16,000/- per month from the date of filing of the present application i.e. August, 2024 till the vacation of the subject



premises by the tenant.

4. Learned counsel for the tenant, as per instructions, from the tenant appearing in person submits that the tenant is agreeable to pay the same in terms of the aforesaid, along with the arrears also. He submits that the composite amount of arrears shall be cleared and paid within a period of four weeks as an outer limit.

5. In view of the above, the present application is disposed of.

6. **RC.REV. 5/2017**

7. This Court on the last date of hearing i.e., on 08.12.2025, after conclusively hearing the learned counsel for the parties, passed the following order:-

“ 1. By virtue of the present petition, the petitioner (tenant) seeks setting aside of the order dated 10.06.2016 (impugned order) passed by Additional Rent Controller Central, Tis Hazari Courts, Delhi (learned ARC), whereby the learned ARC had directed the tenant to handover the physical and peaceful possession of the one room and a kitchen on the ground floor with a common bathroom and an open courtyard on the ground floor and another room on the mezzanine floor of the property bearing no. 4759/5, Deputy Ganj, Sadar Bazar, Delhi-110 006 (subject premises) to the respondent (landlord). ”

8. *This Court has heard the submissions of the learned counsel for both parties at length.*

9. *Mr. Sanjiv Bahl, learned counsel for the tenant submits that the Eviction Petition filed by the erstwhile landlord is no more maintainable as the requirement of the landlord no longer survives since the landlord has expired, as also since the landlord has since the office nearby to the subject premises has since been sold by his Legal Heirs. Drawing the attention of this Court to paragraph 18(a) of the Eviction Petition, the learned counsel submits that this is so,*



since it was the case of the landlord at the time of filing thereof that he required the subject premises for his own residential purposes as also since it was nearby his office being merely 500 meters away.

10. In support thereof, Mr. Sanjiv Bahl, has placed reliance upon **Kedar Nath Agrawal (dead) & Anr. vs. Dhanraji Devi (dead) by LRs. & Anr.:** (2004) 8 SCC 76, **Shakuntala Bai & Ors. vs. Narayan Das & Ors.:** (2004) 5 SCC 772, **Natwarlal Shamji Gada vs. Vinay Raghunath Deshmukh:** 2024: BHC-AS: 31405 and **Seshambal (dead) through LRs. vs. M/s Chelur Corporation Chelur Building & Ors.:** Civil Appeal No. 565/2005 decided on 17.02.2010, to contend that the Eviction Petition of the landlord does not survive subsequent to his demise as held by the Hon'ble Supreme Court as also the Bombay High Court in the aforementioned judgment(s).

11. On the other hand, Mr. Nitin K. Gupta, learned counsel for the landlord has handed over a set of documents and, primarily, placing reliance upon **Ruparel & Company (Delhi) vs. S. Avtar Singh Puri & Ors.:** MANU/DE/4898/2009, wherein a learned Single Judge of this Court held that no new facts can per se be introduced by a tenant in revisional jurisdiction as also the time taken to adjudicate the eviction proceedings also have to be taken into consideration and lastly, the learned counsel submits that it is in the interest of justice and equity if a closure is brought to the litigation.

12. Thereafter, placing reliance upon **Keshav Bhaurao Yeole (D) by LRs vs. Muralidhar (D) & Ors.:** AIR 2023 SC 5477, wherein the Hon'ble Supreme Court, after taking into consideration the demise of the landlord held that there was a grave error on the part of the High Court in considering the subsequent events. Based thereon, the learned counsel submits that the Eviction Petition wherein the impugned order has been passed, requires no interference of any kind by this Court.

13. Lastly, relying upon **Joginder Pal vs. Naval**



Kishore Behal: (2002) 5 SCC 397, which was specifically dealing with the ambit of bona fide requirement in light of the term “own use”, the learned counsel asserts that meaning of “own use” used in Section 14(1)(e) of the DRC Act has to be given a liberal and wide connotation, as what is to be taken into consideration is a practical and meaningful approach, as also the realities of life.

14. Learned counsel for the parties have concluded their arguments.

15. Having heard learned counsel for the parties, this Court, *prima facie*, is convinced with the arguments addressed by the learned counsel for landlord, particularly, whence, in the considered opinion of this Court it would be unjust to unwind/ rewind the clock and relegate the parties to *de novo* litigation. This will tantamount to this Court giving no heed to the changing times, the time spent by the parties in litigating and the judicial time spent in adjudication of the Eviction Petition filed by the landlord.

16. In any event, in a civil jurisdiction, expiry of a party before a Court of law does not, automatically, mean that the proceedings come to end. That is why, the legislature has given appropriate remedies to such party (eg.: Order XXII of the Civil Procedure Code, 1908). Thus, the expiry of the landlord in the present proceedings cannot itself amount to leaving him (through his legal heirs) in the lurch. Therefore, the bona fide requirement of the landlord as expressed in the Eviction Petition does not get extinguish, more so, since the wife of the landlord is still very much alive.

17. In any event, admittedly, it was not only his own requirement for which the landlord had filed the Eviction Petition before the learned ARC. If that be the case, reliance upon **Seshambal (dead) through LRs (supra)** by learned counsel for the tenant is of no assistance, particularly, since it was a case wherein the Hon’ble Supreme Court has observed as under:-

“Neither before the Rent Controller nor before the Appellate Authority was it argued that the



requirement in question was not only the requirement of the petitioner-owners of the premises but also the requirement of any other member of their family whether dependent upon them or otherwise”

[Emphasis Supplied]

18. At this stage, learned counsel for the tenant seeks, and is granted, a period of ten days for obtaining instructions *qua* the feasible time period within which the tenant would vacate the subject premises and hand over the possession thereof to the landlord, along with the terms of payment *qua* user and occupation charges for the aforesaid period before the next date of hearing... ..”

2. Pursuant thereto, learned counsel for the tenant submits that he has no instructions from the tenant either *qua* the feasible time period for vacating the subject premises or *qua* payment of user and occupation charges for period thereof.

3. In view thereof, as also considering the observations made coupled with the findings rendered *qua* them in the last order dated 08.12.2025, since there is nothing surviving to be heard for adjudication by this Court in the present petition, the present petition is accordingly dismissed and the impugned order dated 10.06.2016 is upheld.

4. Considering that the period of six months granted by the learned ARC to the petitioners in pursuance of *Section 14(7)* of the Delhi Rent Control Act, 1958, is already over, the tenant is liable to handover the vacant, peaceful and physical possession of the subject premises to the landlord in compliance of the impugned order dated 10.06.2016.

SAURABH BANERJEE, J

DECEMBER 18, 2025/So