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

+ **RC.REV. 515/2017**

VED KUMARI SHARMA

.....Petitioner

Through: Ms. Seema Seth, Mr. Sourav Kumar and Ms. Muskaan Deswal, Advocates.

versus

VINEETA & ORS.

.....Respondents

Through: Mr. Akhil Sharma, Advocate (through VC)

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

16.12.2025

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1. The petitioner/ landlord filed an Eviction Petition under *Section 14(1)(e)* read with *Section 25B* of the Delhi Rent Control Act, 1958¹ before the learned Administrative Civil Judge-cum-Additional Rent Controller-cum-Commercial, Civil Judge, North East, Karkardooma Court, Delhi² seeking eviction of the respondents/ tenants from one shop measuring 7' x 5' approx. (triangular shape having back wall 3 feet in length) situated on the ground floor and forming part of property number D1/12 A, New Seelampur, Jafrabad Road, Delhi³.
2. *Succinctly put*, the petitioner claimed to be the owner-landlord of property bearing No. D-1/12A, New Seelampur, Jafrabad Road, Delhi,

¹ Hereinafter referred to as '*DRC Act*'

² Hereinafter referred to as '*learned ARC*'

³ Hereinafter referred to as '*subject premises*'



wherein the subject premises was situated, and that her only income was the meagre rent of Rs. 2,000/- per month, which was/ is insufficient to meet her basic needs. As such, she was in *bona fide requirement* of the subject premises for starting her own business for her livelihood.

3. Upon service of summons, the respondents filed an application seeking leave to defend, which, after being allowed was followed by their written statement wherein they disputed the petitioner being the owner-landlady of the subject premises; that the late father of respondents was earlier inducted as a tenant in the subject premises by one Mr. Ayyub; that after the death his father, respondent no. 2 stepped into his shoes and an oral tenancy agreement was entered *inter se* Mr. Ayyub and respondent no. 2; that the respondent no. 2 had regularly been tendering rent to Mr. Ayyub.

4. Controverting the aforesaid, the petitioner filed her replication. After considering the material on record and hearing the parties, the learned ARC dismissed the Eviction Petition of the petitioner *vide* judgment dated 17.07.2017⁴.

5. Amongst the various grounds taken by the petitioner in the present petition, learned counsel for the petitioner has restricted her submission only to the aspect of *landlord tenant relationship* and contends that although it is well-settled that even though in eviction proceedings under *Section 14(1)(e)* of the DRC Act, ownership of the tenanted premises is not to be strictly looked into as in a suit for declaration of title, despite that the learned ARC erred in examining the issue of absolute title of the landlord. She further submits that the learned ARC has ignored that the

⁴ Hereinafter referred to as '*impugned judgment*'



respondent no.2 has categorically admitted in his cross examination that he was paying rent to the petitioner, as also that there were no documents on record filed by him to show that he was paying rent to Mohd. Ayyub.

6. She submits that in an earlier Eviction Petition under *Section 14(1)(a)* and *14(1)(b)* of the DRC Act, being E-198/2001 filed by the petitioner in respect of the same subject premises Smt. Bimlesh, mother of the respondents herein/ respondent no.1 therein, in her written statement categorically admitted that the subject premises was let out to her husband in the year 1986-87 and that after his death, she continued as a tenant in the said premises, which the learned ARC also failed to consider.

7. Based thereon, learned counsel for the petitioner submits that the impugned order deserves to be set aside.

8. *Per contra*, learned counsel for the respondents supporting the findings rendered by the learned ARC submits that none of the aforesaid contentions raised by learned counsel for the petitioner need consideration since they have been duly dealt therein. He submits that since Mr. Ayyub had inducted the respondents' late father as a tenant and after his demise respondent no. 2 stepped into his shoes and became the tenant thereof, the respondent no. 2 has been regularly tendering rent to him.

9. This Court has heard learned counsel for the parties as also gone through the documents on record.

10. Although the jurisdiction of this Court in revision under the proviso to *Section 25B (8)* of the DRC Act is circumscribed and limited to see whether the decision of the Rent Controller is in accordance to law, however, as held by the Hon'ble Supreme Court in ***Ram Narain Arora vs.***



Asha Rani⁵ and ***Hindustan Petroleum Corpn. Ltd. vs. Dilbahar Singh***⁶

such a limitation does not denude this Court of the power to examine the factual matrix to the extent necessary to test the legality, propriety and correctness of the impugned judgment.

11. Keeping the same in mind, this Court shall now advert to examine the impugned judgment.

12. A perusal of impugned judgment reveals that the learned ARC has dismissed the Eviction Petition of the petitioner *primarily* on the ground that the petitioner failed to prove that she was the ‘owner’ of the subject premises.

13. It is no doubt true that the term ‘owner’ is a relative term, the import whereof depends on the context in which it is being used. The incorporation of the word ‘owner’ by the legislature in *Section 14(1)(e)* of the DRC Act does not import the concept of ownership with regard to absolute title as required in a normal civil suit. The same is only restricted to a ‘legal right’ of a person while dealing with an Eviction Petition under *Section 14(1)(e)* of the DRC Act. As such, as per settled position of law, it is sufficient for the landlord to only show that he has ‘*something more*’ and possess a ‘*better title*’ than a tenant.

14. The learned ARC was, thus, only to restrict himself to the above, and not venture into the aspect of ‘ownership’ of the subject premises. Contrary to that, the learned ARC went into determining the absolute title of the subject premises and dismissed the Eviction Petition since as per the learned ARC, the petitioner was unable to prove her ownership. This was

⁵ (1999) 1 SCC 141

⁶ (2014) 9 SCC 78



when the learned ARC gave a complete go by to Compromise Deed dated 17.04.1986 [*Ex. PW1/1*] noting Mohd. Ayyub had given the possession of the subject premises along with other properties to Sanatan Dharam Sabha Mata Mandir along with another agreement/ writing of even date [*Ex. PW1/2*] by virtue whereof the President of Sanatan Dharam Sabha Mata Mandir Committee had given possession of the subject premises in favour of petitioner and qua which the petitioner stood by her stand during cross-examination as also the rent receipts [*Ex. PW1/7(colly)*]. The aforesaid, without any objections from Mohd. Ayyub and/ or the Sanatan Dharam Sabha Mata Mandir, were sufficient for the learned ARC to conclude that the petitioner was indeed able to establish his ownership.

15. In any event, records also reveal that the learned ARC further failed to consider that respondent no.2/ Sh. Kanhiya Lal [*RW2*] completely resiled from his own case in his cross examination dated 02.06.2016 and had categorically admitted that he was paying rent to the petitioner till November 2014, which, coupled with admission of Smt. Bimlesh, mother of respondents, in her written statement to the earlier Eviction Petition being E-198/2001 admitted that the petitioner was her landlord. Once again, they were also sufficient to establish the jural *landlord-tenant relationship* between the parties.

16. Regarding the *bona fide requirement* of the subject premises by the petitioner, as held by the Hon'ble Apex Court in **Baldev Singh Bajwa vs. Monish Saini**⁷ that considering the case set up by the petitioner before the learned ARC, since the landlord had sought eviction of the tenant on the

⁷ (2005) 12 SCC 778



ground of his *bona fide* need, it was presumed to be honest, genuine and *bona fide*, and the burden to dislodge the same squarely lay upon the tenant. In view of the bald, vague and unsubstantiated assertions by the respondents, there was nothing on record to enable the respondent overcoming that. The learned ARC, instead, has discarded the petitioner's requirement on the grounds of her age and want of specific details, which are wholly beyond the tenets of the DRC Act.

17. Lastly, though the impugned order is silent on the aspect of (non-) availability of *alternate accommodation*, however, considering that there is no concrete findings rendered by the learned ARC and the tenant had once again made bald, vague and unsupportive assertions coupled with bare denials therein, no *alternative accommodation* available with her, the respondents, except bare denial, has not brought any material whatsoever on record to show otherwise. Under such circumstances, this Court finds the aspect of *availability of alternate accommodation* established in the favour of the petitioner.

18. In view of the aforesaid reason and analysis, this Court finds that the learned ARC has passed the impugned judgment entirely ignoring the settled principles of law, evidence recorded, as well as the materials placed on record.

19. As such, finding no reason for sustaining the impugned judgment, and in view of what has been held by the Hon'ble Supreme Court in ***Ram Narain Arora (supra)*** and ***Hindustan Petroleum Corpn. Ltd. (supra)***, this is a fit case to set aside the impugned judgment dated 17.07.2017 passed by learned ARC.

20. Accordingly, the impugned judgment is set aside and an order of



eviction is passed in favour of the petitioner in respect of the subject premises being one shop measuring 7' x 5' approx. (triangular shape having back wall 3 feet in length) situated on the ground floor and forming part of property number D1/12 A, New Seelampur, Jafrabad Road, Delhi. However, in view of *Section 14(7)* of the DRC Act, the order for recovery of possession of the subject premises shall not be executed before expiry of six months period from today.

SAURABH BANERJEE, J

DECEMBER 16, 2025/So