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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: December 23, 2025

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Pronounced on: January 05, 2026

+ RC.REV. 154/2024 CM APPL. 32836/2024, CM APPL. 72985/2025, CM APPL. 81539/2025

UPINDER KAUR

.....Petitioner

Through: Mr. Aman Preet Singh Rahi,
Advocate

Versus

HARISH KUMAR JAWA

.....Respondent

Through: Mr. Rishi Sood and Mr. Sagar
Choudhary, Advocates.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. The respondent/ landlord¹ filed an Eviction Petition under *Section 14(1)(e)* read with *Section 25B* of the Delhi Rent Control Act, 1958² before the learned Senior Civil Judge-cum-Rent Controller, South East, Saket Courts, New Delhi³ seeking eviction of the petitioner/ tenant⁴ from the shop situated in property no. 662-C/8, Govindpuri, Kalkaji, New Delhi as per site plan⁵.

2. *Succinctly* put, the case of the respondent before the learned RC was that the subject premises was let out to the petitioner by the erstwhile

¹ Hereinafter referred to as '*respondent*'

² Hereinafter referred to as '*DRC Act*'

³ Hereinafter referred to as '*RC*'

⁴ Hereinafter referred to as '*petitioner*'

⁵ Hereinafter referred to as '*subject premises*'



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owner-landlord Smt. Kailash Rani Kapoor for the purposes of selling woollen sweaters and garments in the name of '*Lucky Variety Store*'. Subsequently, in the year 2001, Smt. Kailash Rani Kapoor, out of property bearing no.662-C/8, Govindpuri, Kalkaji, New Delhi admeasuring 600 sq. yards, sold 200 sq. yards, comprising the subject premises, to the respondent. In furtherance thereof, Smt. Kailash Rani Kapoor executed Agreement to Sell, GPA, Will, and other allied documents, all dated 23.10.2001⁶, in the favour of respondent and also handed over the possession of the subject premises to the respondent. The petitioner thereafter in the year 2002 filed an application under *Section 27* of the DRC Act arraying the respondent along with Smt. Kailash Rani Kapoor and one Dharampal Takkar as parties and pursuant to the order 12.10.2010 passed therein, was paying rent to the respondent.

3. The *bona fide requirement* of the subject premises professed by the respondent was for himself and his unmarried son and daughter for setting up a family restaurant-cum-coffee house on the entire ground floor of the property no. 662C/8, Govindpuri Kalkaji, New Delhi, which included the subject premises. As per respondent, he did not possess any other suitable commercial *alternative accommodation* available for the said requirement.

4. On the other hand, it was the case of the petitioner that the respondent was not the owner of the subject premises; the Site Plan filed by the respondent was incorrect; and the *bona fide requirement* pleaded by the landlord for himself and for settling his son and daughter was untrue as they were well-settled and employed. It was also his case that the landlord

⁶ Hereinafter referred to as '*requisite documents*'



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had not given the particulars of age, qualifications, profession, experience of his son and daughter in the Eviction Petition; the respondent had not obtained licences, permissions or sanctions required for running a restaurant; and that the respondent had deliberately concealed several alternative suitable commercial and residential accommodations.

5. Based thereon, the learned RC *vide* order dated 02.03.2024⁷ dismissed the application seeking leave to defend of the petitioner observing that the petitioner had failed to raise any triable issue. Consequently, the Eviction Petition of the respondent was allowed.

6. Hence, the present revision petition filed by the petitioner seeking setting aside of the impugned order dated 02.03.2024 passed by the learned RC.

7. Although Mr. Aman Preet Singh Rahi, learned counsel for the petitioner, had earlier admitted to the existence of a *landlord tenant relationship* between the parties, however, during the course of arguments, and after relying upon the purported Will of Smt. Kailash Rani Kapoor dated 25.09.2013 allegedly executed in the favour of the Smt. Rani Kapoor and Sh. Veraj Kapoor, submitted that the respondent is not the owner of the subject premises and there exists no *landlord tenant relationship* between the parties.

8. Mr. Rahi, learned counsel further submitted that reliance upon the Site Plan filed by the respondent is misplaced as it contains incorrect dimensions of the subject premises; that the address of the premises given by the respondent is incorrect as the correct one is 662/8, Govind Puri,

⁷ Hereinafter referred to as '*impugned order*'



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Kalkaji, New Delhi-110 019; that there was no *bona fide requirement* of the respondent as his children were/ are already well settled, so much so, his son was/ is running successful business of stationary thereby raising substantial annual turnover of over Rs.50 lakhs; that the Eviction Petition of the respondent was bereft of necessary information regarding the proposed restaurant or about the work experience/ expertise of his children to run such a business; that there were no statutory licences or permissions required for running a restaurant placed on record; that there was deliberate concealment by the respondent about the existence of several *alternative accommodations* owned and possessed by him, details whereof were specifically pleaded by the petitioner before the learned RC. To buttress the aforesaid contentions, Mr. Rahi, learned counsel relied upon ***Santosh Kumar vs. Bhai Mool Singh***⁸, ***Dalip Kumar Bakshi vs. Vivek Khurana***⁹, ***Deena Nath vs. Pooran Lal***¹⁰, ***Manoj Kumar vs. Bihari Lal (Dead) through LRs***¹¹, ***Charan Dass Duggal vs. Brahma Nand***¹², ***Mohd. Ilyas vs. Nooruddin & Ors.***¹³ and ***Inderjeet Kaur vs. Nirpal Singh***¹⁴.

9. Based thereon, Mr. Rahi, learned counsel submitted that the petitioner was able to raise various *triable issue* before the learned RC for enabling grant of leave to defend to the petitioner.

10. *Controverting the aforesaid submissions*, Mr. Rishi Sood, learned counsel for the respondent, submitted that the respondent became the

⁸ Civil Appeal No. 96 of 1957

⁹ 2014 SCC OnLine Del 6437

¹⁰ (2001) 5 SCC 705

¹¹ (2001) 4 SCC 655

¹² (1983) 1 SCC 301

¹³ 184 (2011) DLT 590

¹⁴ (2001) 1 SCC 706



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owner/ title holder of the subject premises by virtue of the requisite documents in his favour executed by the erstwhile owner, as also since the petitioner has herself admitted to having paid rent to the respondent, the *landlord tenant relationship* between the parties is admitted and requires no adjudication thereon.

11. Mr. Sood, learned counsel further submitted that the minor variations in the dimensions suggested by the petitioner in the Site Plan of the subject premises are not sufficient for giving rise to any *triable issue*. In any event, the petitioner was represented/ present throughout the proceedings before the learned RC and therefore there is no dispute regarding the address.

12. Mr. Sood, learned counsel then submitted that the learned RC has considered both aspects regarding the *bona fide requirement* of the subject premises and non-availability of *alternative accommodations* by the respondent in the impugned order, particularly, whence the petitioner did not adduce any proof showing any of the premises being vacant and/ or in possession of the respondent. To buttress his submissions, Mr. Sood, learned counsel relied upon *Dalip Kumar Bakshi vs. Vivek Khurana*¹⁵, *Raghunath G. Panhale (Dead) through LRs vs. Chaganlal Sundarji & Co.*¹⁶, *Charanjeet Singh vs. Vivek Jain*¹⁷, *Ravichandran & Ors. vs. Natrajan Nadar & Ors.*¹⁸, *Shri Rajiv Kumar & Anr. vs. Shri Chaman Lal & Ors.*¹⁹, *Scon Financial Services Pvt. Ltd. vs. S.C. Kaura*²⁰,

¹⁵ 2014 SCC OnLine Del 6437

¹⁶ (1999) 8 SCC 1

¹⁷ 2024 SCC OnLine Del 613

¹⁸ (2004) 1 MLJ 458

¹⁹ 2024 SCC OnLine Del 833

²⁰ 2024 SCC OnLine Del 3675



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***Raghavendra Kumar vs. Firm Prem Machinery & Co.*²¹, *Sarla Ahuja vs. United India Insurance Co. Ltd.*²²**

13. As such, Mr. Sood, learned counsel submitted that there is no ground for this Court to interfere with the impugned order, much less, in exercise of its revisional jurisdiction.

14. This Court has heard the learned counsel for the parties as also has gone through the documents and pleadings on record and case law cited by them at the bar.

15. Since the petitioner was, *admittedly*, inducted into the subject premises as tenant by the erstwhile owner/ landlord, Smt. Kailash Rani Kapoor, who, has since executed the requisite documents in respect of the subject premises in favour of the respondent, to which there is no challenge by the petitioner till now, the respondent has a better and clear title than the petitioner, as also, since the very same petitioner was also, *admittedly*, paying rent to the very same respondent *qua* the very same subject premises, it sufficiently establishes a *jural relationship* of a landlord and a tenant between the parties. It is, thus, too late for the petitioner to challenge the ownership of the respondent based on the purported Will of Smt. Kailash Rani Kapoor. Even otherwise, the petitioner, in a proceeding emanating from the DRC Act, is stopped from challenging the ownership, once the landlord and tenant relationship between the parties is established.

16. The *bona fide requirement* professed by the respondent before the learned RC was/ is arising from a father's desire to discharge his filial

²¹ AIR 2000 SC 534

²² AIR 1999 SC 100



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obligation, and was/ is also supported by categorical reasonings as to why the subject premises was most suitable for the proposed use and further fortified by a layout plan of the proposed restaurant. On the contrary, the petitioner only came up with bald and vague assertions, and that too only *qua* the work experience/ expertise, the permissible license(s)/ permission(s) or like, the children of the respondent being gainfully employed with no substantiation thereof, before the learned RC. None of the aforesaid factors carry any weight for this Court to hold that the petitioner has been able to raise a *triable issue*.

17. Regarding (*non-*)availability of *alternative accommodation* by the respondent, the petitioner has only professed properties, once again, without any document(s) therewith. In any event, they are either residential in nature, or owned by joint family or by the brother of the respondent.

18. Barring the above, there is nothing on merits *qua* the Site Plan and the address when the petitioner has all throughout been represented before the learned RC, which calls for any interference by this Court. In fact, prior to the initiation of the eviction proceedings, the very same petitioner duly received a legal notice dated 22.07.2021 issued by the respondent herein.

19. All in all, the petitioner by way of the present revision petition is only trying to re-agitate the very same issues based on the very same material available before the learned RC, which have been duly negated in the well-reasoned impugned order. Thus, in view of what has been held by the Hon'ble Supreme Court in *Sarla Ahuja (supra)*, *Abid-Ul-Islam vs.*



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*Inder Sain Dua*²³ & *Kuldeep Singh vs. Sanjay Aggarwal*²⁴ hardly leaves any scope for interference by this Court in the impugned order.

20. The petitioner has now, belatedly, filed CM APPL. 72985/2025 and CM APPL. 81539/2025 seeking to bring on record subsequent events. The same are nothing but delaying tactics, as the petitioner is merely attempting to rake up issues which had already been duly dealt and rightly discarded by the learned RC in the impugned order as well as in the earlier order dated 30.10.2023.

21. *Ergo*, as a sequitur of the foregoing analysis, this Court is in complete agreement with the findings rendered by the learned RC in the impugned order, and thus the same calls for no interference.

22. *Consequently*, the order of eviction qua the subject premises passed in favour of the respondent by the learned RC vide the impugned order dated 02.03.2024 is upheld. As such, the petitioner is liable to handover vacant, physical and peaceful possession of the subject premises being shop situated in property no.662-C/8, Govindpuri, Kalkaji, New Delhi particularly shown in red colour in the site plan as per the impugned order dated 02.03.2024.

23. Accordingly, the present petition along with pending applications, is dismissed, leaving the parties to bear their own respective costs.

SAURABH BANERJEE, J.

JANUARY 05, 2026
NA/GA

²³ (2022) 6 SCC 30

²⁴ MANU/DE/1513/2018

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