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

Date of decision: 27.10.2026

\# **CNR No. DLHC010414202025**

\+ RC.REV. 194/2025 & CM APPL. 39621/2025 (Stay)

SH. MOOLCHAND MALHOTRA & ANR. .....Petitioners

Through: Ms. Mansi Bajaj, Mr. Nitin Prakash and Ms. Sweta Chaudhary, Advocates.

versus

SH. SURESH KUMAR SINGHAL SINCE DECEASED THROUGH HIS WIFE SANTOSH SINGHAL

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (Oral)**

1. The present Revision Petition, filed under Section 25-B(8) of the Delhi Rent Control Act, 1958 (***"DRC Act"***), seeks to assail the Order dated 24.03.2025 (***"Impugned Order"***), passed by the learned Additional Rent Controller-01, Central District, Tis Hazari Courts, Delhi (***"ARC"***) in the Eviction Petition, being RC ARC No. 378/2019 (***"Eviction Petition"***), titled *"Shri Suresh Kumar Singhal (Since deceased) through his wife Santosh Singhal vs. Sh. Moolchand Malhotra"*.

2. By way of the Impugned Order, the Application seeking Leave to Defend, filed by the Petitioners herein came to be dismissed and,

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consequently, an Eviction Order came to be passed in favour of the Respondent herein in respect of tenanted premises being, a shop on the ground floor admeasuring 25ft x 8ft situated in premises bearing No. 2483, Gali No. 8, Beadon Pura, Karol Bagh, New Delhi -110005 (***"Subject Premises"***)

SUBMISSIONS ON BEHALF OF THE PETITIONERS:

3. Learned counsel appearing on behalf of the Petitioners, at the outset, submits that the challenge to the Impugned Order is confined to two grounds, namely, *first*, that the ground of *bona fide* requirement forming the basis of the Eviction Petition ceased to subsist during the pendency thereof and, *secondly*, that certain evidence having a material bearing on the adjudication of the Application seeking Leave to Defend could not be placed on record before the learned ARC, despite the learned ARC granting the liberty to bring on record the same at later stage of the proceedings.

4. Elaborating upon the *first* limb of the challenge, learned counsel for the Petitioners contends that during the course of the eviction proceedings, the Respondent, for whom the *bona fide* requirement was espoused, passed on and, therefore the *bona fide* requirement, for which eviction of the Petitioners was sought, ceased to exist.

5. Learned counsel for the Petitioners further submits that the learned ARC erroneously held that the *bona fide* requirement in respect of the Subject Premises sustained, even upon passing on of the Respondent, since the *bona fide* requirement existed and was espoused on behalf of the wife of the Respondent as well. Learned counsel submits that the said finding is erroneous and not borne from the record since no document was put before the learned ARC, in support of the *bona fide* need of the wife of the Respondent, to substantiate

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that the Subject Premises were required by her as well.

6. Learned counsel for the Petitioners, therefore, submits that there existed no *bona fide* requirement at the relevant time when the Application seeking Leave to Defend was adjudicated and finally decided by the learned ARC, which is an essential element of the statutory requirement under Section 14(1)(e) of the DRC Act and, therefore, the Eviction Order could not have been passed by the learned ARC.

7. Turning to the *second* limb of the challenge, the learned counsel for the Petitioners submits that certain material evidence, which would have had a bearing on the adjudication of the Eviction Petition, could not be placed on record before the learned ARC. In this regard, reliance is placed upon the Order dated 02.12.2024, passed by the learned ARC, whereby the Petitioners were permitted to withdraw their Application under Sections 45 and 73 of the Indian Evidence Act, 1872, seeking admission denial of a recorded conversation and its transcript between the son of the Petitioner with the deceased Respondent and his wife, and in case of dispute for sending of voice sample to FSL, with liberty to file a fresh Application at a later stage, if so required.

8. Learned counsel for the Petitioners submits that the period between the passing of the aforesaid Order and the Impugned Order was too short to enable the Petitioners to place the said documents on record. It is, therefore, contended that the failure to consider the material, which the Petitioners had been permitted to bring on record at a subsequent stage, vitiates the adjudication of the Application seeking Leave to Defend.

9. No other submissions were advanced by the learned counsel

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appearing on behalf of the Petitioners.

ANALYSIS:

10. We have heard learned counsel appearing on behalf of the Petitioners and, with her able assistance, perused the material available on record.

11. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope and ambit of the revisional jurisdiction, sought to be invoked by way of the present Petition, vested in this Court under the *proviso* to Section 25-B(8) of the DRC Act.

12. The contours of the revisional jurisdiction under Section 25-B of the DRC Act are well settled. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***[1], ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***[2], and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***[3], has consistently held that the jurisdiction exercised by this Court under the *proviso* to Section 25-B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

13. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in ***Pankaj Pahwa v. Prem Wati & Ors.***[4], and ***Sanjeev Hiranandani v. Sunny Grover***[5].

14. In ***Abid-Ul-Islam*** (supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25-B of the DRC Act, observed that the omission of an appellate remedy against

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[1] (1998) 8 SCC 119
[2] (2014) 9 SCC 78
[3] (2022) 6 SCC 30
[4] 2024:DHC:9322
[5] 2025:DHC:11285

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an Order passed by the learned Rent Controller is conscious and deliberate. The jurisdiction conferred upon the High Court is, therefore, one of superintendence over the decision-making process, including the legality and propriety thereof, and does not permit the High Court to substitute its own view for that of the learned Rent Controller merely because another view on the material available on record may be possible. The relevant observations of the Hon'ble Supreme Court read as under:

> "**23.** The proviso to Section 25-B(8) gives the High Court exclusive power of revision against an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance. Thus, the High Court is not expected to substitute and supplant its views with that of the trial court by exercising the appellate jurisdiction. Its role is to satisfy itself on the process adopted. The scope of interference by the High Court is very restrictive and except in cases where there is an error apparent on the face of the record, which would only mean that in the absence of any adjudication per se, the High Court should not venture to disturb such a decision. There is no need for holding a roving inquiry in such matters which would otherwise amount to converting the power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature."

15. In ***Pankaj Pahwa*** *(supra)*, a Coordinate Bench of this Court, upon considering the principles enunciated in ***Abid-Ul-Islam*** *(supra)*, reiterated that the jurisdiction exercised by this Court under the *proviso* to Section 25-B(8) of the DRC Act is limited in scope and that this Court is not expected to substitute or supplant its view for that of the learned ARC. The revisional scrutiny is confined to examining the decision-making process and determining whether the Impugned Order suffers from an error apparent on the face of the record or an absence of adjudication warranting interference.

16. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25-

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B(8) of the DRC Act, this Court is neither required nor permitted to undertake a fresh appreciation of the material on record with a view to arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Order suffers from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC is wholly unreasonable or founded upon an erroneous premise of law. Equally, where a material plea has been left unconsidered, or the decision-making process otherwise discloses an error apparent on the face of the record, exercise of revisional jurisdiction may be warranted.

17. This Court, having regard to the limited scope of revisional jurisdiction under Section 25-B(8) of the DRC Act, as discussed hereinabove, deems it appropriate to first consider the *second* limb of the challenge, which pertains to the Petitioners' inability to place certain evidence on record prior to the passing of the Impugned Order.

18. A perusal of the record reflects that, *vide* Order dated 02.12.2024, the Petitioners were, in fact, granted liberty to withdraw their Application under Sections 45 and 73 of the Indian Evidence Act, 1872, with liberty to institute a fresh Application at a later stage, if so required. The said liberty, however, did not dispense with the requirement of taking appropriate steps to bring the alleged evidence on record in accordance with law and, as is evident from the material placed before this Court, no fresh Application seeking to place the said evidence on record was filed before the learned ARC prior to the passing of the Impugned Order.

19. In these circumstances, the Petitioners cannot fault the learned ARC for not considering material which had not been placed before it

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for consideration or cannot render the Impugned Order vitiated. The submission that the period between the Order dated 02.12.2024 and the Impugned Order dated 24.03.2025 was insufficient, by itself, does not establish any procedural irregularity or infirmity in the decision-making process. The Petitioners inability to put on record the material in time, as had been permitted, cannot in any manner be canvassed to be an error on the part of the learned ARC or an error meriting interference in revisional jurisdiction.

20. In view of the foregoing discussion, in the absence of any material demonstrating that the Petitioners were prevented from availing themselves of the liberty granted, or that the learned ARC otherwise failed to consider a request properly made before it, this ground of challenge does not warrant interference by this Court in the exercise of limited scope of revisional jurisdiction exercisable by this Court. The *second* limb of the challenge, accordingly, fails.

21. Adverting now to the *first* limb of challenge, the essential questions upon which adjudication thereof necessarily turns is whether the *bona fide* requirement espoused by the Respondent for obtaining the possession of the Subject Premises was restricted to that for the Respondent himself or extended to include the Respondent's wife as well, and as how, in respect thereof, the aspect of *bona fide* requirement has been dealt with by the learned ARC in the Impugned Order.

22. To answer the aforesaid questions, it would be necessary to first examine the case originally pleaded by the Respondent in their Eviction Petition before the learned ARC. The relevant portions thereof read as under:

"**6.** That the petitioner aged about 78 years old and is a senior

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citizen and in occupation on the first floor of the property in question residing with his wife aged 60 years and is a patient of various ailments such as acute Arthritis, Hypertension, heart disease etc.

7. That on the account coupled with old age, climbing of stairs is very difficult for the petitioner as well as his wife. Considering the various ailments of petitioner, the doctor advised the petitioner against climbing of stairs. That the petitioner has received a major heart attack and the doctors at Metro Hospital had applied stent in the year 2013. The petitioner is under the continuous treatment and is very difficult to use stairs in the property. Copies of medical treatments are annexed as ANNEXURE-F (COLLY).

8. That petitioner wants to renovate the ground floor and desires to convert the entire ground floor into residential accommodation for the purpose of avoiding the climbing of stairs as advised by doctor being having knee problems to climb the stairs. That on account of the said reasons the petitioner number of times requested the respondent to vacate and hand over the possession of the tenanted shop peacefully so that the petitioner may convert the entire ground floor into residential accommodations but the respondent on hearing so threatened the petitioner and his wife to face dire consequences. The threat as extended by the respondent is to such an extent that the petitioner and his wife are living in the premises under constant fear and threat of their lives and property.

9. That the petitioner having three daughters and were residing with their respective matrimonial houses after their marriage outside of Delhi. The family members of the married daughters frequent visitors to the premise of the petitioner and used to stay for many days and the petitioner and his wife face great difficulty to arrange the space for their stay. The petitioner is facing great hardship due to paucity of accommodation.

10. That neither the petitioner nor his wife have available any alternative accommodation except the premises under occupation.

11. That there are three shops including the shop under inception of respondent in the ground floor of the property and looking into the old age and suffering from various ailments of petitioner as mentioned above, the petitioner aged 78 years and his wife aged about 60 years wants to use the entire ground floor for their residential use, hence the present application.

12. That the petitioner requires the tenanted premises bonafidely for himself and his family members. There is no alternate reasonable residential accommodation available with the petitioner to meet his bonafide requirements."

(Emphasis supplied)

23. A perusal of the aforesaid portion of the Eviction Petition makes it manifest that the original Petitioner *i.e.*, the Respondent

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herein pleaded that he and his wife were residing on the first floor of the Subject Premises; that owing to their age and the difficulty in climbing stairs, they wished to convert the ground floor into residential accommodation due to paucity of space for visiting members of the family, including their daughters; and that neither of them had any alternative accommodation available to meet their requirement.

24. A plain reading of the aforesaid averments demonstrates that the Eviction Petition refers to the difficulties faced by both spouses and expressly states that the requirement pleaded was not confined to the personal use of the Respondent alone, but expressly encompassed the residential needs of his wife and his family members as well.

25. However, in view of the submission of the Petitioners that there existed nothing before the ARC to substantiate the *bona fide* requirement of the Respondent's wife, the demise of the Respondent, constituted a subsequent event which could have had a bearing on the relief sought and, therefore, warranted consideration by the learned ARC.

26. In this regard, it would therefore be apposite to examine as to how the learned ARC dealt with the subsequent demise of the Respondent and assessed the subsisting requirement of his wife. The relevant observations in the Impugned Order read as under:

> "**BONAFIDE REQUIREMENT**
>
> **9)** Moving forward, in order to succeed in his petition, petitioner is required to establish his *bonafide* need. Petitioner has averred that he requires the tenanted premises for the residence of himself, his wife and for providing space/accommodation to the visiting daughters. However, it is contended on behalf of the respondent that the sole purpose of the present petition is to evict the respondent and sell the property. But the Hon'ble Supreme court in ***Baldev Singh Bajwa vs Monish Saini (2005) 12 SCC 778*** has held that *whenever a landlord seeks eviction of the tenant for bonafide*

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need, the controller shall presume the need as genuine and bonfide. Additionally, the burden to refute the said presumption squarely lies on the tenant and mere assertion on the part of tenant is insufficient. Hence, mere assertion of the respondent in this regard does not amount to any triable issue. Further, in this regard, the provision of Section 19 (2) of DRC Act is to be emphasized which protects a tenant in case the landlord recovers possession of any premises and the premises are not occupied by the landlord or by the person for whose benefit the premises are held within two months of obtaining such possession or having obtained the possession, the same are re-let to any other person within three years from the date of obtaining the possession. *Thus, the said contention is also devoid of merits.*

10) *Secondly,* it is contended that at the time of execution of rent deed, father of the respondent had also paid pagri amount of Rs. 2.25 Lacs. *However, the said contention is devoid of merits.* In this regard reliance is placed upon the case of **Puran Chand Aggarwal Vs. Lekh Raj RC Rev. No. 291/2012** decided by the Hon'ble High Court of Delhi on 16.04.2014, the following was held:-

> *"31. As regards the argument of the petitioner that he has spent 2,50,000/- in construction and has also paid 2,25,000/- to the petitioner's brother as per agreement, the original agreement was not filed in the trial court. Even otherwise, in case any amount is paid to the brother of the respondent that has no relevance to the facts and circumstances of the present case. Similar is the case of spending money for construction. The petitioner is entitled to recover the said amount, if recoverable in law. The said plea taken by the petitioner does not help the case of the petitioner and it is not a triable issue.*

11) *Thirdly,* it is contended that the petitioner has become infructuous since the petitioner has already expired. It is stated that the present petition was filed for the bonafide need of the petitioner since he was suffering from medical ailments and finding it difficult to climb stairs. It is therefore stated that since he has already expired, therefore, the need no longer exists. It is trite to state that the matters are to be decided on the basis of circumstances existing at the time of filing of petition and not on the basis of subsequent events. However in ***"Atma S. Berar Vs. Mukhtiyar Singh" AIR 2003 SC 624,*** the *Hon'ble Supreme Court of India* observed that *"the power of the Court to take note of subsequent events is well settled and is accompanied by three rider:* ***Firstly,*** *the event should be brought promptly to the notice of Court;* ***Secondly,*** *it should be so brought to notice consistent with the procedure and affording opposite party an opportunity of meeting it; and* ***Thirdly,*** *the event must have material bearing on right to relief of any party."* In the present matter, the factum of death of the petitioner already stands brought to the notice of the

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court promptly by way of application on the part of the respondent. The said fact has also taken on record by way of order dated 02.12.2024. *Therefore, the said fact cannot be ignored since it has material bearing on the projected bonafide need.*

12) However, at the same time, it is also pertinent to note that the petitioner averred not only his personal need but also that of his wife who is also a senior citizen. Additionally, the petitioner has also mentioned that he requires space for visiting daughters who are married out of Delhi. Reliance is placed upon the case of **Dr. Jitender Mohan Gulati Vs. Hira Lal Singh, 2019 (2015) DLT 489,** it was held by the Hon'ble High Court of Delhi as under:-

> *"..... The fact that Hira Lal has mentioned two bonafide requirements i.e. to start the business for himself and the other for expansion of business of his son would not nullify his bonafide requirement. There is no requirement in the law that while filing an eviction petition under Section 14 (1) (e) of DRC Act, the landlord must restrict himself to only one bonafide requirement".*
>
> *"..... Merely because the landlord has multiple requirements of the tenanted premises, his eviction petition cannot be dismissed on ground of vagueness or that he is confused about the requirement.* ***It will be for the landlord to use the same for the more pressing requirements and the Court cannot dictate the same."***

13) *Therefore, it cannot be held that the present eviction petition has become infructuous. The need of the petitioner may have been been extinguished on his death but the need of of his wife still survives.*

14) It is contended that the medical documents filed of the petitioner are false. However, as discussed above he has already expired. Further, as far as the need of the wife of petitioner is concerned, it is not in dispute between the parties that she is a senior citizen. Therefore, independent of the medical documents, judicial notice can be taken on fact that in old age, senior citizens find it difficult to climb stairs due to various health issues as well as knee ailments. Moreover, it is not the case of the respondent that there is any lift in the subject premises, which would ease the need of the wife of the petitioner to climb stairs. In this regard, reliance is placed upon the judgment of the Hon'ble Delhi High Court in **Amit Khandelwal and Anr. vs. Hem Chand Aluria, RC. Rev. 380/2018** in which the Hon'ble Delhi High Court has held that:

> *"clearly, as tenant cannot dictate to a landlord as to how the landlord is to use his premises. At the age of 69 years (now 76 years), it would be too much to expect from the respondent landlord, with his health condition to make climb up and get down the stairs when he can have the accommodation available on the ground floor."*

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> **15)** Lastly, it is contended that the respondent is carrying on business from the tenanted premises and has no other place to do business. It is pertinent to note here the judgment of the Hon'ble Apex Court in ***Abid-ul-Islam Vs. Inder Sain Dua, (2022) 6 SCC 30*** where it was stated by the Hon'ble court that requirement is the existence of bona fide need, when there is no other "reasonably suitable accommodation". Therefore, there has to be satisfaction on two grounds, namely, (i) the requirement being bona fide and (ii) the non-availability of a reasonably suitable accommodation. ***Such reasonableness along with suitability is to be seen from the perspective of the landlord and not the tenant.*** Therefore, the said contention does not amount to any triable issue. Furthermore, in view of the judgment of the Apex Court, in **Satyawati Sharma Vs. Union of India AIR 2008 SC 3148,** the landlord is not precluded from seeking eviction of the tenant from non-residential premises on ground of his bonafide requirement u/s 14 (1) (e) of the DRC Act. Hence, I find that ***the petitioner has been able to establish his bonafide requirement for the tenanted premises.***"
>
> **(Emphasis supplied)**

27. A perusal of the Impugned Order makes it abundantly clear that the learned ARC duly took cognisance of the the subsequent death of the Respondent, inasmuch as the learned ARC expressly acknowledged that the death of the Respondent had a material bearing on the projected requirement and proceeded to examine whether the requirement pleaded in the Eviction Petition survived in respect of his wife. Thus, the learned ARC did not disregard the subsequent event or proceed on the assumption that the Respondent's personal requirement continued notwithstanding his demise.

28. The relevant portion of the Impugned Order further records that the Respondent had pleaded a requirement for his wife, who was also a senior citizen and resided with him on the first floor. The learned ARC, considering these aspects, took judicial notice of the facts regarding the age of the Respondent's wife, difficulty in climbing stairs and the absence of a lift in the Subject Premises. Consequently, the learned ARC concluded that, although the Respondent's personal

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requirement may have ceased upon his demise, the requirement of his wife continued to subsist.

29. The Petitioners' contention, therefore, that no independent material was placed before the learned ARC to substantiate the wife's requirement must be examined in the context of the pleadings and the nature of the proceedings at the stage of consideration of an Application seeking Leave to Defend. The question at that stage is whether the affidavit discloses such facts as would disentitle the landlord from obtaining an Eviction Order, or whether a triable issue arises warranting leave to contest.

30. This Court, in view of the contents of the Eviction Petition and the reasons in the Impugned Order, is of the considered view that the requirement of the Respondent's wife was not an assertion introduced subsequently to overcome the effect of the Respondent's demise. It formed part of the original pleadings and was linked to the stated difficulty faced by both spouses in accessing the first-floor accommodation. The learned ARC rightly considered these averments and the subsequent event of death before concluding that the requirement survived in respect of the wife. The absence of separate medical documents pertaining to the wife, therefore, in itself, does not establish that this conclusion is perverse or that the learned ARC failed to consider a material aspect of the case. The Petitioners had also not placed anything on record before the learned ARC to dislodge the *bona fide* need of the Respondent's wife.

31. At this juncture, it bears reiteration that the jurisdiction exercised by this Court is not appellate in nature. The Court is not called upon to reassess the pleadings and material as if adjudicating the Application seeking Leave to Defend in the first instance. In the

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absence of a demonstrable infirmity in the decision-making process, the mere possibility of another view cannot furnish a sufficient basis for disturbing the Impugned Order.

32. In view of the foregoing discussion, this Court is unable to accept the Petitioners' submission that the demise of the Respondent necessarily rendered the Eviction Petition infructuous. The requirement pleaded from the outset extended to the residential needs of his wife, and the learned ARC expressly examined whether that requirement survived the subsequent event. The Petitioners have not demonstrated that the conclusion so reached suffers from a manifest illegality, perversity, or an error apparent on the face of the record warranting interference under Section 25-B(8) of the DRC Act.

DECISION:

33. In view thereof, neither of the two grounds of challenge urged on behalf of the Petitioners discloses any infirmity in the Impugned Order warranting interference by this Court in the exercise of its limited revisional jurisdiction under the *proviso* to Section 25-B(8) of the DRC Act.

34. Accordingly, the present Petition, being *sans* merit, stands dismissed.

35. The present Petition, along with pending Application(s), if any, stands disposed of in aforementioned terms.

HARISH VAIDYANATHAN SHANKAR, J.

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