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

+ **RC.REV. 361/2025, CM APPL. 71900/2025**

SH. NARESH MALHOTRA

.....Petitioner

Through: None.

versus

SMT. RUKHMANI DEVI

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

24.02.2026

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1. On 24.12.2025, this Court after hearing the learned counsel for the petitioner/ tenant (*tenant*) at considerable length proceeded to pass a detailed order, specifically recording and rendering its findings, as under:-

“3. Considering that there is no dispute raised by the tenant qua the findings rendered by the learned ARC regarding the landlord-tenant relationship existing between the parties as also the bona fide requirement professed by the landlord before the learned ARC, and the well-reasoned and detailed findings rendered by the learned ARC on both, this Court need not to delve into the said aspect in the present petition.

4. A perusal of the impugned order reveals that although the tenant, before the learned ARC, had taken the plea of concealment, however, as correctly held by the learned ARC, since the tenant failed to furnish any details of the alleged alternative accommodations available with the landlord, the same turned out to be bald, vague and unsubstantiated averments as they were sans of material particulars. In any event, as held in **Baldev Singh Bajwa vs. Monish Saini**;



(2005) 12 SCC 778, it is trite law that such bald, vague and unsubstantiated assertions which are bereft of any particulars carry no weight. All the more, whence the counter Site Plan filed by the tenant was not found to be correct by the learned ARC, particularly, since the tenant failed to disclose his own possession and he had withheld from showing the rooms in his occupation in the Counter Site Plan.

5. As such, this Court finds no merits in the present petition and, therefore the impugned order passed by the learned ARC is liable to be upheld. ...”

2. On 24.12.2025 itself, learned counsel for the tenant, upon instructions, had submitted that the tenant was willing to vacate the subject premises and handover peaceful physical possession to the landlord on or before 31.03.2026. As such, *vide* the very same order, learned counsel for the tenant was granted a period of *two weeks* for filing an affidavit of undertaking, recording as under:-

“6. At this stage, learned counsel for the tenant, upon instructions, submits that he does not press the present petition as the tenant is willing to vacate the subject premises and hand over peaceful physical possession of the same to the landlord on or before 31.03.2026.

7. In light of the above, the tenant is directed to file his affidavit of undertaking in terms of the aforesaid statement made by his counsel today, within a period of two weeks. Lastly, without adverting into the merits thereof, there shall be a stay of the execution proceedings arising out of the impugned order dated 19.05.2025.”

3. Thereafter, on 22.01.2026, the learned counsel for the tenant appeared before the roster Bench and submitted that “... ..he wishes to withdraw the aforesaid statement... ..”. As such, the present proceedings were sent to the undersigned.



4. When the matter was listed on 29.01.2026 before this Court, since there was no appearance on behalf of the tenant, the same was adjourned for today. Today again, there is no appearance on behalf of the tenant. It seems that the tenant is not interested in pursuing either with the statement made by the learned counsel for the tenant, nor the present petition. Even otherwise, the statement made by learned counsel for the tenant who had his vakalatnama on record on 22.01.2026 cannot be permitted to retract therefrom.

5. In view of the earlier order dated 24.12.2025, non-appearance of the tenant on two consecutive occasions as also since there is nothing remaining in the present petition, the impugned order passed by the learned ARC calls for no interference, and is, thus, sustained.

6. Accordingly, the present petition is dismissed.

SAURABH BANERJEE, J.

FEBRUARY 24, 2026/NA